

State of New York.

352.0747.

No. 1643, 1706.

Rec. 187.

N 48a

IN ASSEMBLY.

March 16, 1898.

Senate bill No. 94, introduced by Mr. WHITE—read twice and ordered printed, and when printed to be committed to the committee on affairs of cities—reported from said committee with amendments, ordered reprinted as amended and placed on the order of third reading. In Assembly reported from the committee on affairs of cities with amendments, ordered printed as amended and restored to its place on the order of third reading—amended on third reading, ordered reprinted and restored to its place on order of third reading.

AN ACT

For the government of cities of the second class.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 ARTICLE I.

2 Section 1. When the word city is used in this act, it means a
3 city of the second class, and all the provisions of this act have
4 reference only to such cities.

5 § 2. Within thirty days after every state enumeration, the
6 secretary of state shall file with the clerk of every city a certifi-
7 cate showing the population of such city; and if it appears there-
8 from that such city has since the prior state enumeration become
9 a city of the second class, then all the provisions of this act shall
10 apply to such city on and after the first day of January thereafter.

ARTICLE II.

COMMON COUNCIL.

§ 12. The legislative power of the city is vested in the common council thereof, and it has authority to enact ordinances, not inconsistent with the laws of the state, for the government of the city and the management of its business, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants, and the protection and security of their property; and its authority, except as otherwise provided in this act, or by other laws of the state, is legislative only.

§ 13. There shall be elected at the first election under this act, and at the city election every two years thereafter, a president of the common council from the city at large, who shall receive an annual salary of one thousand dollars, and one alderman from each ward of the city, who shall have been a resident in such ward for at least five months prior to such election, who shall hold their offices for two years; and the president and aldermen thus elected shall constitute the common council. The aldermen shall serve without pay.

§ 14. The members of the common council shall meet in the room provided for that purpose on the second day of January after their election, or if that be Sunday, then on the next day. The president shall preside at all meetings and discharge such other duties as president as may be defined by ordinances of the common council and other provisions of this act. The common council may at any regular meeting, choose one of its members president,

27 May 12
 1 with like powers, to fill a permanent vacancy in the office, and in
 2 like manner it may choose a president pro tempore to act during
 3 the temporary absence or inability of the president. In case of
 4 a vacancy in that office, until it shall fill the vacancy as above
 5 provided, the mayor shall preside over its meetings. But in case
 6 of a vacancy or until a president has been chosen, it shall trans-
 7 act no business except to adjourn from time to time. The presi-
 8 dent may vote like other members of the common council upon
 9 all resolutions and ordinances submitted to the body for its
 10 action in case of a tie vote.

11 § 15. The common council shall choose a clerk, to hold office
 12 during the term for which its members were elected, unless sooner
 13 removed by a vote of three-fourths of all the members of the com-
 14 mon council. He shall be the city clerk, and shall attend the
 15 meetings of the common council, keep a journal of its proceedings,
 16 and discharge such other duties as may be prescribed by the city
 17 ordinances. The president and clerk of the common council shall
 18 each have the powers of commissioners of deeds.

19 § 16. The president of the common council, or a majority of its
 20 members, may call a special meeting by causing a written notice
 21 thereof, specifying the objects of the meeting, to be served by the
 22 city clerk upon each member personally, or by mail, directed to
 23 his place of residence or place of business, at least twenty-four
 24 hours before the time of such meeting.

25 § 17. The common council shall determine the rules of its own
 26 proceedings, and be the judge of the elections, returns and quali-

1 fications of its members. Its meetings shall be public and its
2 records open to public inspection, and, except as herein provided,
3 a majority of all its members shall be a quorum for the transac-
4 tion of business. The passage of an ordinance, unless otherwise
5 herein provided, shall require the affirmative vote of at least a ma-
6 jority of all its members.

7 § 18. No member or committee of the common council has
8 power to employ any person, incur any expense or purchase any
9 material, for, or on behalf of the city or any of its officers,
10 boards or commissions, except as otherwise expressly provided in
11 this act.

12 § 19. No ordinance shall be passed by the common council on
13 the same day in which it is introduced, except by unanimous con-
14 sent, and no appropriation of money shall be made for any pur-
15 pose, except by an ordinance, passed by three-fourths of all the
16 members, specifying by items the amount thereof and the depart-
17 ment or specific purpose for which the appropriation is made;
18 and no ordinance shall be passed making or authorizing a sale
19 or lease of city real estate or of any franchise belonging to or
20 under the control of the city, except by a vote of three-fourths of
21 all the members of the common council; and in case of the proposed
22 sale of real estate or the proposed sale or proposed lease of a fran-
23 chise, the ordinance must provide for a disposition, under proper
24 regulations for the protection of the city, at public auction, after
25 public notice for at least three weeks, to the highest bidder; and
26 a proposed sale or proposed lease thus originated shall not be valid

1 nor take effect, unless the aforesaid notice shall have been given
2 and the aforesaid disposition, namely, a sale at public auction to
3 the highest bidder shall have been had, and unless subsequently
4 approved by a resolution of the board of estimate and apportion-
5 ment. No such franchise shall be granted or be operative for a
6 period longer than fifty years.

7 § 20. No ordinance of the common council shall become opera-
8 tive until it has been enrolled and attested by the clerk and signed
9 and approved in writing by the mayor, or passed over his veto,
10 and, whenever the same may be necessary, promulgated according
11 to law; and every ordinance imposing a penalty or forfeiture
12 for the violation thereof, shall, before the same shall take effect,
13 be published at least three times in each week for two successive
14 weeks, in the official newspapers of the city; provided, that in
15 case of insurrection, riot, pestilence, conflagration or other public
16 necessity requiring immediate operation of such ordinance, it
17 shall take effect as soon as proclamation thereof has been made
18 by the mayor, and it, with such proclamation, has been posted in
19 five public places in each ward of the city.

20 § 21. Every ordinance of the common council shall, immediately
21 upon its enrollment and signature by the president and clerk, be
22 presented by the clerk to the mayor. If he approve it, he shall
23 sign it and return it to the clerk, and it shall take effect. If he
24 neglect to approve, sign and return it to the clerk within ten days
25 after receiving it, and he does not disapprove it within that time

1 as herein provided, then it shall take effect as if he had approved
2 and signed it. If he disapprove it, he shall, within the same time,
3 return it to the clerk with his objections in writing, and the clerk
4 shall present the same with such objections to the common council
5 at its next regular meeting; and then the common council
6 shall, within thirty days thereafter, reconsider the same; and
7 unless three-fourths of all the members of the common council, and
8 if a greater number of members were necessary, according to the
9 provisions of this act, for the original passage of the ordinance,
10 then as many members as were requisite for the original passage
11 of the ordinance, shall vote to pass the ordinance, it shall not
12 take effect; but if the requisite number of members so vote, then
13 the ordinance shall take effect as if approved and signed by the
14 mayor. When an ordinance appropriating money contains sev-
15 eral items, and when an ordinance embraces more than one distinct
16 subject, the mayor may approve the provisions relating to one or
17 more items or one or more subjects, and disapprove the others. In
18 such cases those items or subjects which he shall approve, shall
19 become effective, and those which he shall not approve, shall be
20 reconsidered by the common council and shall only become effec-
21 tive if again passed by it as above provided; and the foregoing
22 provision in reference to approval and disapproval and failure
23 to return an ordinance, within ten days after the receipt of the
24 same, shall be applicable to and govern such cases.

25 § 22. Every ordinance shall, within a reasonable time after it
26 becomes a law, as herein provided, be recorded in a book kept for

1 that purpose by the clerk. Such record shall include the signa-
2 ture of the president, attestation of the clerk and the mayor's
3 written approval, or in case of his disapproval, a memorandum
4 of its passage over his veto; or in case the ordinance took effect
5 because he failed to approve or disapprove and return it within
6 the ten days, then a memorandum to that effect; and as soon as the
7 due publication is complete a certificate thereof shall be added to
8 such record. Such record, or a certified copy thereof, shall be
9 presumptive evidence of the passage of an ordinance.

10 § 23. Any person violating an ordinance of the common council
11 shall be guilty of a misdemeanor, and the common council may
12 provide, by a general ordinance or in any ordinance, that any per-
13 son guilty of such violation shall be liable to pay to the city a
14 sum therein named as a penalty, not exceeding five hundred dol-
15 lars, to be recovered in a civil action in the name of the city. The
16 city may maintain an action to restrain by injunction the violation
17 of any ordinance of the common council or of the commissioner
18 in charge of the health department, notwithstanding such ordi-
19 nance may provide a penalty for such violation.

20 § 24. Whenever an executive or administrative function shall
21 be required by an ordinance of the common council to be per-
22 formed, the same shall be performed by the proper executive or
23 administrative officer or department to be designated in the ordin-
24 ance, and in case no such designation be thus made, the mayor
25 shall make the same.

1 § 25. The common council may by ordinances passed by two-
2 thirds of all its members, not inconsistent with the provisions
3 of this act, or other laws of the state, regulate the powers and
4 duties of any city officer or department; and it has power to
5 investigate all city officers and departments, and shall have
6 access to all records and papers kept by every city officer or
7 department, and has power to compel the attendance of witnesses
8 and the production of books, papers or other evidence, at any
9 meeting of the common council, or of any committee thereof, and
10 for that purpose may issue subpoenas signed by its president.

11 § 26. The creation of temporary and funded debts by the com-
12 mon council are governed by the provisions of the municipal law,
13 chapter six hundred and eighty-five of the laws of eighteen hun-
14 dred and ninety-two, and amendments thereof, except as herein
15 provided to the contrary. An ordinance authorizing a funded debt
16 shall, before it can have effect, be submitted to and approved by
17 the board of estimate and apportionment by an affirmative vote of
18 at least four members of the board. Every funded debt shall be
19 issued in such amounts and shall fall due at such times that the
20 principal of the same shall be fully paid in twenty equal annual
21 payments, the last of which shall become due at the end of twenty
22 years after its issue. Nor shall any such annual payment, nor all
23 of them, be refunded, but provision shall be made for their pay-
24 ment in the year in which each shall fall due, by insertion of the
25 proper sum in the annual estimates for the year in question.

1 § 27. In case of a failure to elect an alderman of any ward at
2 a proper election, and in case of a vacancy from any cause in
3 the office of alderman from any ward, the common council **may**
4 choose a qualified resident of the same ward to fill the office for
5 the term or the remainder thereof. But in case of a vacancy from
6 any cause, except for a failure to elect, the person so chosen must
7 be of the same political party as the alderman whose place he is
8 chosen to fill. The common council may compel the attendance
9 of absent members at any meeting properly called and
10 may punish or expel a member for disorderly conduct, for a vio-
11 lation of its rules, or for official misconduct, or declare his seat
12 vacant by reason of absence, provided such absence has continued
13 for the space of two months; but no expulsion shall take place,
14 and no vacancy on account of absence be declared, except by the
15 vote of three-fourths of all the members of the common council,
16 nor until the delinquent member has had an opportunity to be
17 heard in his defense.

18 § 28. All the legislative acts of the common council shall be
19 by ordinances. and on the passage of every ordinance, the yeas
20 and nays of the members shall be taken and entered in full in
21 the journal.

22 § 29. At the first meeting of the common council after the
23 election of its members, it shall, by a viva voce vote,
24 designate two daily newspapers published in the city to
25 be the official papers of the city. Each member shall

1 be entitled to vote for one of the papers, and the two
2 papers having the highest number of votes shall be the official
3 papers for two years and until others are designated. Such papers
4 shall publish the proceedings and ordinances of the common
5 council and all other matters required by law or by ordi-
6 nances of the city to be published. In case any of the official
7 papers shall refuse or fail to act or perform as such, the common
8 council may designate another paper in its place. Provided that if
9 any city contains a population of less than ninety thousand in-
10 habitants as appears by the last state enumeration, in-
11 stead of the proceeding above set forth, the common coun-
12 cil shall, within thirty days after the first meeting of its members,
13 meet and designate by viva voce vote the two daily newspapers
14 published in the said city which have the largest circulation and
15 are of opposite political faith, as the official newspapers of the
16 city, for two years and until others are designated. The official
17 newspapers heretofore designated in a city which contains a
18 population of less than ninety thousand inhabitants as aforesaid,
19 shall continue as such until the day herein fixed for the first
20 designation of official newspapers and shall then cease to be the
21 official newspapers unless again designated as herein provided.
22 All bills and accounts for publication in official newspapers shall
23 be paid in the same manner as other accounts against the city.

24 § 30. The common council shall not alter the name of any
25 street, except upon a petition of a majority of the owners of abut-

1 ting lots, nor shall it change the grade of any street which has
2 been legally established, except upon a vote of two-thirds of all the
3 members of the common council, and except also upon compensa-
4 tion for damages done, to be ascertained as damages are ascer-
5 tained under the condemnation law for lands taken.

6 § 31. The common council shall, prior to the year nineteen hun-
7 dred, pass ordinances, to take effect January first, nineteen hun-
8 dred, to give effect and operation to the provisions of this act;
9 but it shall not at any time pass any ordinance directing or in-
10 terfering with the exercise of the executive functions of the offi-
11 cers, departments and boards of the city as provided by this act
12 or the other laws of the state.

13 § 32. The minutes of each meeting of the common council shall
14 be printed in full within six days after its adjournment and immedi-
15 ately distributed, one to the mayor, one to each member of the com-
16 mon council, one to the head of each department, and one to
17 every tax-payer entitled thereto under section four hundred
18 and seventy-two of this act. At the end of the year the printed
19 minutes shall be indexed and bound in adequate number.

20 § 33. All appointments or designations made by the common
21 council shall be by viva voce vote.

22 § 34. The common council may, by and with the advice and
23 consent of the board of estimate and apportionment, fix and de-
24 termine the amount and proportion of the expense to be borne by
25 the city at large for opening or altering a street or for other
26 public improvements.

ARTICLE III.

THE MAYOR.

§ 42. There shall be elected at the first election under this act and at the city election every two years thereafter a mayor.—The executive power of the city is vested in the mayor, and in such executive officers and departments as are, or may be created by law, or by ordinances of the common council.

§ 43. The annual salary of the mayor shall be, in a city having a population, as appears by the last state enumeration, of less than ninety thousand, twenty-five hundred dollars; in a city having a population of more than ninety thousand and less than one hundred and fifty thousand as aforesaid, four thousand dollars; in a city having a population of more than one hundred and fifty thousand as aforesaid, five thousand dollars. The mayor and president of the common council shall be elected at the city election, and shall hold their offices for the term of two years.

§ 44. In case of the absence or inability of the mayor, or during a vacancy in the office, the president of the common council shall act as mayor until the mayor returns, his inability ceases, or the vacancy is filled. But it shall not be lawful for the president of the common council, when acting as mayor, to sign or approve any ordinance of the common council, or to appoint to, or remove from office any person unless the vacancy in the office, or the inability or absence of the mayor shall have continued for at least thirty days.

1 § 45. The mayor shall call together the heads of the city depart-
2 ments for consultation and advice upon the affairs of the city as
3 often as he may deem advisable, but not less than twelve times in
4 each year; and at such meetings he may call upon the heads of
5 the departments for such reports as to the subject matters under
6 their control and management as he may deem proper, which it
7 shall be their duty to prepare and submit at once to him. Records
8 shall be kept of such meetings, and rules and regulations shall
9 be adopted thereat for the harmonious, systematic and efficient
10 administration of the affairs of the city, not inconsistent with the
11 laws of the state or with the city ordinances.

12 § 46. It shall be the duty of the mayor to see to the faithful per-
13 formance of their duties by the city officers and departments, to
14 maintain peace and good order within the city, to take care that
15 the laws of the state and the ordinances of the common council
16 be executed and enforced within the city; to communi-
17 cate by written message to the common council at least once
18 a year a statement of the finances and general condition
19 of the affairs of the city, and with such recommendations in rela-
20 tion thereto as he may deem proper, and to give such information
21 in relation to the same as the common council may from time to
22 time require; and also to call a special meeting of the common
23 council whenever in his judgment it is required by public neces-
24 sity. It shall also be his duty to receive and examine into all

1 complaints made against any city officer for neglect of duty, or
2 malfeasance in office.

3 § 47. The mayor shall, on behalf of the city, sign all deeds and
4 contracts made by it, and shall cause to be affixed thereto the city
5 seal, of which he shall have the custody.

6 § 48. The mayor shall have authority at all times to examine
7 the books and papers of any officer, employe or department of the
8 city, and as often as he may deem proper, to appoint one or more
9 competent persons to examine, without notice, the accounts of any
10 city officer or department, and the money, securities and property
11 belonging to the city in the possession or charge of any officer or
12 department, and to report the result of such examination; and he
13 may administer oaths to witnesses and take affidavits in all cases
14 relating to the affairs of the city.

15 § 49. Except as otherwise provided in this act, the mayor shall
16 appoint all the city officers, and except as otherwise provided in
17 this act or in the other laws of the state, he may remove at pleasure
18 any city officer appointed by him.

19 § 50. The mayor shall have such other powers and perform such
20 other duties as may be prescribed in this act or by other laws of
21 the state, or by ordinances of the common council not inconsistent
22 with the laws of the state.

23 § 51. The mayor shall appoint an executive clerk and such
24 other assistants in the routine work of his office as the common
25 council may by ordinance prescribe.

ARTICLE IV.

DEPARTMENT OF FINANCE.

3 COMPTROLLER—TREASURER—BOARD OF ESTIMATE AND APPORTIONMENT.

1 Section 61. There shall be a comptroller, who shall be
2 elected at the city election at the same time as the mayor,
3 and who shall receive an annual salary of thirty-five hundred
4 dollars. He shall hold office for two years. He may appoint, to
5 hold office during his pleasure, a deputy and such other subor-
6 dinates as may be prescribed by the board of estimate and appor-
7 tionment. In case of vacancy in the office of comptroller the
8 mayor shall, within ten days, fill the vacancy by appointment for
9 the remainder of the term.

10 § 62. The comptroller and deputy comptroller, before entering
11 upon the duties of their respective offices, shall each give a bond to
12 the city in such penal sum as may be prescribed by the common
13 council, with two or more sureties, to be approved by the mayor,
14 conditioned for the faithful discharge of their duties, which bonds,
15 when so approved, shall be filed in the office of the county clerk
16 of the county in which the city is located, where they shall be
17 recorded as required in the case of bonds of town collectors.

18 § 63. The office of comptroller shall be kept at a place to be
19 designated by ordinance of the common council, and shall be kept
20 open for the transaction of business each day in the year, Sundays
21 and legal holidays excepted, from nine o'clock in the forenoon
22 until three o'clock in the afternoon, and at such other hours as the
23 common council may from time to time direct.

1 § 64. The comptroller shall superintend the fiscal concerns
2 of the city, and manage the same pursuant to law and the ordi-
3 nances of the common council. He shall keep a separate account
4 with every department for which funds are specially raised by tax,
5 or for which funds are raised by assessment for local or other im-
6 provements. He shall require all drafts for the payment of any
7 claims against the city to state particularly against which of such
8 funds the drafts are drawn, and shall not permit any of such
9 specific funds to be overdrawn, nor permit moneys to be drawn
10 from one fund to pay the claims chargeable to another.

11 § 65. The comptroller shall prescribe the form of all claims to
12 be presented against the city, and the form and substance of the
13 affidavit to be appended thereto and sworn to by the claimant.
14 Whenever any person intends to present for payment a claim
15 against the city, except a claim for a fixed salary, for
16 the principal or interest on a bonded or funded debt, or
17 for damages caused by misfeasance or negligence, he shall
18 prepare and verify it, and then procure the approval as
19 to the form thereof, in writing, of the department or offi-
20 cer whose action gave rise or origin to the claim, and the same shall
21 then be presented to the comptroller for his examination and audit.
22 The comptroller shall, once in every two weeks, cause all claims
23 which have been presented to him to be printed (except the verifi-
24 cation thereon) and numbered, and copies thereof to be distributed
25 to the mayor, to each member of the common council, to the head

1 of each department and to every taxpayer entitled thereto under
2 section four hundred and seventy-two of this act. He shall take no
3 action upon any claim until five days after such distribution, and
4 when he shall have taken action thereon, he shall cause copies
5 of all claims and his action upon them, with any reason for such ac-
6 tion which he may have to give, to be sent to each, the claimant and
7 the common council. If the claimant be dissatisfied with the audit,
8 he may appeal to the board of estimate and apportionment, by serv-
9 ing notice of appeal, in writing, upon the comptroller and the com-
10 mon council at any time before the first regular meeting of the com-
11 mon council that is held after he receives the comptroller's audit.
12 If the common council or any taxpayer be dissatisfied with such
13 audit, it or he may appeal to the same board, on behalf of the
14 city, in like manner, by serving notice of appeal upon the claimant
15 and the comptroller and the treasurer within ten days after the
16 meeting of the common council at which such claims shall have
17 been reported by the comptroller. The board of estimate
18 and apportionment shall make rules for the procedure upon
19 the hearing of such appeals, and the decision and audit of that
20 board, after hearing upon the appeal to it, shall be final and con-
21 clusive as to the amount of the claim; but if there be no appeal
22 from the original audit, it shall in like manner be final and conclu-
23 sive. Upon the appeal herein provided for, the treasurer shall take
24 the place of the comptroller as a member of the board. The comp-
25 troller, and the board of estimate and apportionment, upon an

1 appeal to it as herein provided, shall have authority to take evi-
2 dence and examine witnesses in reference to the claim, and for
3 that purpose may issue subpoenas for the attendance of witnesses;
4 and the comptroller and each member of the board of estimate and
5 apportionment is hereby declared to be ex-officio a commissioner
6 of deeds. When a claim has been finally audited, it, with the cer-
7 tificate of the comptroller, or in case of appeal, with the certificate
8 of the board of estimate and apportionment endorsed thereon, shall
9 be filed in the office of the treasurer, and remain a record therein.

10 § 66. Any person presenting for payment a claim against the
11 city, or any board thereof, shall use his own name, or the name of
12 the firm of which he is a member. If any person shall use a name
13 other than his own, or that of the firm of which he is a member, he
14 shall be guilty of a misdemeanor, and any member of any board,
15 or any officer of the city, who shall knowingly approve, audit or
16 pay any such claim shall be guilty of a like offense. The comp-
17 troller or treasurer upon receipt of a complaint under oath and
18 in writing, signed by any citizen, stating that he has reason to be-
19 lieve that any illegal claim has been presented, shall withhold
20 payment of the claim until satisfied of its legality. No claim shall
21 be paid until the time to appeal from the audit thereof has expired,
22 and if an appeal has been taken within such time until the appeal
23 shall have been decided.

24 § 67. The comptroller shall keep an account between the city
25 and the treasurer, and for that purpose he shall procure from the
26 banks in which the city's funds are deposited by the treasurer,

1 monthly statements of the moneys which have been received and
2 paid out on account of the city and he shall examine the treas-
3 urer's books, accounts and bank books and ascertain as to their
4 correctness and report on the same monthly to the common
5 council.

6 § 68. The comptroller shall on or before the first day of January
7 in each year, publish in book form or pamphlet form, verified by
8 his oath or affirmation, a full and accurate statement of the finan-
9 cial condition of the city, showing the amount of receipts and ex-
10 penditures of the city since the last annual report, the sources
11 from which the funds have been derived and for what purposes
12 expended; such publication to be accompanied by a statement in
13 detail, in separate columns, showing the several funds belonging
14 to the city, the amount drawn on each fund, and its then present
15 condition, showing also the several debts of the city, when the
16 same are payable and the rate of interest on each, and he shall file
17 a copy of every such statement in the office of the state comp-
18 troller. He shall perform such other and further duties pertain-
19 ing to his office, not inconsistent with the provisions of this act
20 or the other laws of the state, as may from time to time be pre-
21 scribed by ordinances of the common council.

22 § 69. The comptroller shall have, under the direction of the
23 board of estimate and apportionment and the ordinances of the
24 common council, the custody and management of any sinking fund
25 provided for the payment or redemption of the city debts.

TREASURER.

1 § 79. There shall be a treasurer, who shall be elected at
2 the city election at the same time as the mayor, and who shall
3 receive an annual salary of three thousand dollars. He shall
4 hold office for two years. He may appoint, to hold office during
5 his pleasure, a deputy and such other subordinates as may be
6 prescribed by the board of estimate and apportionment. During the
7 temporary absence or inability of the treasurer, or his suspension
8 or removal from office, the deputy shall discharge the duties of the
9 office. In case of a vacancy in the office of treasurer, the mayor
10 shall, within ten days, fill the vacancy by appointment for the re-
11 mainder of the term.

12 § 80. The treasurer and deputy treasurer, before entering upon
13 the duties of their respective offices, shall each give a bond to the
14 city in such penal sum as may be prescribed by the common coun-
15 cil, with two or more sureties, to be approved by the mayor, condi-
16 tioned for the faithful discharge of their duties, which bonds
17 when so approved, shall be filed in the office of the county clerk
18 of the county in which the city is located, where they shall be
19 recorded, as required in the case of bonds of town collectors.

20 § 81. If any warrant for the collection of taxes, issued by the
21 board of supervisors of a county in which a city is located, shall be
22 delivered to the treasurer, he shall execute an additional bond
23 to the county in such form and in such penal sum to be prescribed
24 by the board of supervisors with two or more sureties, to be ap-
25 proved by the board if in session, and if not in session, then by the
26 chairman of the board.

1 § 82. The office of the treasurer shall be kept at a place
2 designated by ordinance of the common council, and shall be kept
3 open for the transaction of business each day in the year, Sun-
4 days and legal holidays excepted, from nine o'clock in the fore-
5 noon until three o'clock in the afternoon, and at such other hours
6 as the common council may from time to time direct.

7 § 83. The treasurer shall receive and have the care and custody
8 of all the moneys of the city, and he shall pay them out as
9 hereinafter provided. All the moneys of the city received
10 by the treasurer shall be deposited by him daily, in two
11 or more banks designated by the board of estimate and
12 apportionment. The interest on such deposits shall belong
13 to the city. No money shall be drawn out of a
14 city depository except on drafts signed by the treasurer and
15 countersigned by the comptroller, and such drafts shall always
16 be made payable to the person entitled to receive the money. The
17 treasurer shall keep a separate account with every department
18 for which funds are specially raised by tax, or for which funds
19 are raised by assessment for local or other improvements; and
20 in every draft drawn by him he must state particularly against
21 which of such funds the draft is drawn, and he shall at no time
22 overdraw any fund, or draw upon one fund to pay a claim charge-
23 able to another.

24 § 84. The moneys so deposited shall be placed to the credit of
25 the city; and the treasurer shall keep bank books in which shall

1 be entered his account of deposits in, and moneys drawn from, the
2 banks in which such deposits shall be made; and he shall exhibit
3 such books to the comptroller for his inspection at least once in
4 every month, and oftener if required. The banks in which such
5 deposits are made shall respectively transmit to the comptroller
6 monthly statements of the moneys which shall be received and
7 paid out by them on account of the city.

8 § 85. The treasurer shall report to the comptroller, at the end
9 of each day's business, by items, the moneys received.

10 § 86. The treasurer shall perform such other duties, not incon-
11 sistent with the provisions of this act or the other laws of the
12 state, as may from time to time be prescribed by ordinances of the
13 common council.

14 BOARD OF ESTIMATE AND APPORTIONMENT.

15 § 96. There shall be a board of estimate and apportionment,
16 which shall consist of the mayor, comptroller, corporation coun-
17 sel, president of the common council and the city engineer, except
18 that when the number of subordinates or the salaries
19 thereof in the department of any of the members of the
20 said board, are to be fixed and determined, the treas-
21 urer shall temporarily take the place of the member,
22 whose number of subordinates, or the salaries thereof, is under
23 consideration, for the purpose of fixing said salaries or num-
24 ber of subordinates, and for that purpose alone. The mem-
25 bers of the board shall meet upon the call of the mayor or as
26 directed by the board. The mayor shall be president of the board

1 and the city clerk shall act as the secretary thereof. Before the
2 fifteenth day of November in each year the board shall cause the
3 estimates submitted to it as herein provided to be printed, and
4 shall furnish a copy thereof to any taxpayer of the city desiring
5 one; and on that day in each year, or if that be Sunday, then on
6 the next day, it shall meet to consider the estimates; and at such
7 meeting or at any adjourned meeting, while such estimates are
8 under consideration, it shall hear any taxpayer of the city in
9 reference thereto. After such hearings, which must be concluded
10 in the month of November, it shall make an estimate of the
11 amounts required to pay the expenses of conducting the business
12 of the city, in each department and office thereof, for the next
13 fiscal year, and also to pay the principal and interest of any city
14 indebtedness falling due during the year. After it has made
15 such estimate, it shall submit it in writing, with such reasons
16 for it in detail as it may have to give, to the common council on
17 or before the next fifth day of December; and on the fifteenth day
18 of December thereafter, or if that be Sunday, then on the next day
19 the common council shall convene and consider such estimate, and
20 it shall hear any taxpayer who wishes to be heard in reference
21 thereto, and after such hearing, which must be concluded on or
22 before the twenty-seventh day of December, it may adopt such
23 estimate as is submitted to it or diminish or reject any item
24 therein contained, except such as relates to the city debt,
25 and adopt the estimate as thus amended; but it shall not
26 increase any item in such estimate for any department,
27 office or purpose. When it shall have adopted the estimate as

1 herein provided, the same shall be entered at large in its minutes
2 and published in its proceedings; and the several sums in the
3 final estimate so adopted shall be and become appropriated for
4 the several departments, offices and purposes named in the estim-
5 ate for the ensuing fiscal year. It shall not be lawful for the city,
6 or any officer, board or department of the city, to expend, or con-
7 tract to be expended, or to incur any liability, in the current year,
8 for a greater sum than is so estimated for such officer, board or
9 department, and so provided for by the common council
10 in the tax levy as aforesaid; but this shall not be held
11 to prohibit the commissioner in charge of the health de-
12 partment in said city from expending such sum, or incur-
13 ring such debts beyond the amount estimated and provided for
14 said board as may be actually necessary to prevent the spread of,
15 or to suppress any contagion or infectious disease, or any epidemic
16 in the city. It shall not be lawful for any officer, board or depart-
17 ment of the city to make or enter into any contract for work, labor
18 or services, or the hiring of employes, or for the purchase of any
19 supplies, materials or apparatus, or the making of improvements
20 or repairs, which by the terms of such contract involves an expendi-
21 ture of money or liability therefor, which after taking into account
22 the expenditures and liabilities already incurred, shall be in excess
23 of the amount which has been estimated and allowed to such officer,
24 board or department for such purposes by the board of estimate
25 and apportionment of the city, in its annual estimate of the moneys
26 necessary to be raised in said city, and directed by the common

1 council to be raised by tax for the current fiscal year in which such
2 contracts shall be made. Any contract, verbal or written, made in
3 violation of this section, shall be null and void as to the city,
4 and no moneys belonging to the city shall be paid thereon. Any
5 officer, or any member of any board or department of the city, mak-
6 ing or voting for any contract prohibited by this section, or auditing
7 any account or claim thereunder, shall be deemed guilty of a mis-
8 demeanor, and upon conviction shall be punished by a fine or im-
9 prisonment, or by both, in the discretion of the court before which
10 such conviction shall be had. But, except as may be otherwise
11 provided by law, or by the estimates of the board of estimate and
12 apportionment, when any moneys or revenues are received by any
13 such officer, board or department from any source other than by
14 tax, such moneys or revenues may be used and applied towards
15 and in addition to the funds so estimated and allowed as afore-
16 said, in such manner as in the judgment of said officer, board or
17 department may be most beneficial to the city.

18 § 97. The fiscal year of every city shall commence on the first
19 day of January; and on or before the first day of November in each
20 year all heads of departments and officers empowered by this
21 act, or by city ordinance, to control or authorize expenditures,
22 shall furnish to the mayor estimates in writing of the amount of
23 expenditures for the next fiscal year, in their respective depart-
24 ments or offices, including a statement of the salaries of all their
25 officers and other employes, which estimates the mayor shall lay

1 before the board of estimate and apportionment at its first meet-
 2 ing thereafter. It shall be the duty of the city clerk to keep a
 3 journal of all the proceedings of the board of estimate and appor-
 4 tionment and of every vote by ayes and noes taken at any meeting
 5 thereof. The minutes of each meeting shall be printed in full
 6 within six days after its adjournment and immediately distrib-
 7 uted, one to each member of the board and of the common council,
 8 one to the head of each department and one to every taxpayer
 9 entitled thereto under section four hundred and eighty-two of this
 10 act. At the end of the year the printed minutes shall be indexed
 11 and bound in adequate number.

12 § 98. The board of estimate and apportionment has authority
 13 to fix the salaries or compensation of all city officers and employes,
 14 except as otherwise provided in this act, and except as to such
 15 officers and employes as are required to serve without compensa-
 16 tion. But the salary or compensation of every officer and employe
 17 shall be thus fixed before his election or appointment, except in
 18 the first instance after this act takes effect, and shall not thereafter
 19 be changed until the expiration of the term for which he was
 20 elected or appointed.

21 ARTICLE V.

22 DEPARTMENT OF PUBLIC WORKS.

23 COMMISSIONER OF PUBLIC WORKS — BOARD OF CONTRACT AND SUPPLY —

24 CITY ENGINEER.

25 § 107. Commissioner of public works.—There shall be a
 26 commissioner of public works, who shall be the head of the de-

1 partment of public works. His term of office shall be two years,
2 unless sooner removed by the mayor, and he shall be appointed by
3 the mayor, within ten days after the beginning of each mayoralty
4 term. The commissioner shall appoint, to hold office during his
5 pleasure, a deputy and such other subordinates as may be pre-
6 scribed by the board of estimate and apportionment. During the
7 temporary absence or inability of the commissioner, or his suspen-
8 sion or removal from office, his deputy shall discharge the duties of
9 the office. In case of a vacancy in the office of commissioner,
10 such vacancy shall be filled by the mayor, within ten days after
11 its occurrence, and in the meantime and until such appointment
12 shall take effect, the deputy shall act as commissioner.

13 § 108. The commissioner and deputy commissioner shall each
14 give a bond to the city with sureties, for the faithful discharge
15 of the duties of their respective offices, in a penalty to be pre-
16 scribed by the common council, which bond, as to its form, and
17 the sureties thereto, shall be approved by the mayor.

18 § 109. The commissioner, subject to the provisions of this act,
19 the other laws of the state and the ordinances of the common
20 council, has cognizance, direction and control of the construction,
21 alteration, repair, care, paving, flagging, lighting and improving
22 streets, ways and sidewalks; of the construction, alteration and
23 repair of all city buildings, and of all docks and bridges, belong-
24 ing to the city; of all public sewers and drains in the city; of the
25 construction, maintenance, extension and repair of the city water
26 works; and has the care, superintendence and management of all
27 grounds belonging to the city. But in the exercise of his powers

1 and the discharge of his duties, he shall make no expenditure
2 nor shall he create any debt against the city, unless he be author-
3 ized so to do by the general or special ordinances of the common
4 council.

5 § 110. It is also the duty of the commissioner to appoint, to
6 hold office during his pleasure, within thirty days after his ap-
7 pointment, in the first instance, after this act shall take effect,
8 and thereafter when a vacancy shall occur, a superintendent of
9 water works, and to see that the city has an abun-
10 dant supply of wholesome water for public and private
11 use; to devise the plans and sources of water supply;
12 to plan and supervise the distribution of water through the city;
13 to protect it against contamination; to prescribe rules and regu-
14 lations for its use, which, when ratified and approved by the
15 common council, shall have the same force and effect as an ordi-
16 nance by the common council enacted. He shall have power, with
17 the assent of the board of estimate and apportionment, to establish
18 rates of rents to be charged and paid annually for the supply of
19 water, or for the benefits resulting therefrom, to be called "water
20 rents," apportioned to the different classes of buildings in said
21 city in reference to their dimensions and the ordinary uses of
22 water for the same and to vacant lots, as may be practicable, and,
23 from time to time, to modify and amend, increase or dimin-
24 ish such rates and to extend them to other descriptions of buildings,
25 lots, establishments and uses. He shall also have power, with like
26 assent, to establish rates for the use of water in buildings, estab-

1 lishments, trades and other purposes which consume water beyond
2 the quantity required for ordinary purposes, and may require the
3 payment to him, in advance, of the rates thus established, before
4 permission to use such extra quantity of water shall be given.
5 The regular water rents shall be collected from the owners of all
6 lots and buildings which shall be situated upon any street or avenue
7 in which the distributing pipes are now or may hereafter be laid
8 and from which such lots and buildings can be supplied with water;
9 and such regular rents, as well as the amounts due and unpaid
10 for the introduction and measurement of the supply of water to
11 such lots and buildings, shall be, like other taxes of the city, a lien
12 and charge upon such lots and buildings as herein provided. All
13 special rates for the use of water shall be paid to the said commis-
14 sioner, who shall daily report and pay the amount thereof to the
15 city treasurer. It shall be the duty of the said commissioner in
16 the month of August in each year to make out a list or roll for
17 each ward or assessment district of the city, similar to the rolls
18 made out by the department of assessment and taxation, and, in
19 which, among other things, he shall set out the amount of regular
20 water rent assessed upon each lot, part of lot or building, and
21 all amounts remaining due and unpaid on the first day of August
22 in each year for the introduction and measurement of the supply
23 of water; and it shall be his duty to complete such roll on or before
24 the first day of September in each year. He shall then cause
25 notice to be published in the official newspapers, for at least three

1 days, of a time and place at which hearing shall be given to those
2 who desire to examine the said rolls and to present their grievances;
3 and after such hearing, which shall be on at least two different
4 days, he shall correct said rolls, if need be, and shall certify the
5 same to the common council. The common council shall thereupon,
6 and on or before the fifteenth day of October in each year, direct
7 by ordinance the levying of such water rents upon the property
8 described in said rolls and the amounts appearing thereon shall
9 be extended in a separate column upon the assessment-rolls of the
10 city and shall be levied, collected and enforced at the same time
11 and in the same manner as is provided for the collection of other
12 taxes in the city.

13 § 111. It is also the duty of the commissioner to appoint, to
14 hold office during his pleasure, within thirty days after his ap-
15 pointment, in the first instance, after this act shall take effect,
16 and thereafter when a vacancy shall occur, a superintendent of
17 parks, who shall have, under the direction of the commissioner, the
18 care, management, custody and control of all the parks of the city,
19 and of the streets passing through or intersecting the same, and
20 all the shade trees of the city. Subject to the direction of the com-
21 missioner and to the ordinances of the common council, he shall
22 prescribe the powers and duties of the subordinates. Subject
23 to the ordinances of the common council and the direction of
24 the commissioner, he shall have the expenditure of all the
25 money apportioned to this branch of the department by the ac-
26 tion of the board of estimate and apportionment and of the

1 common council as in this act provided. He shall keep an
2 account of such expenditures and prepare bills against the city
3 in items for the same, in such form, with such verification and
4 vouchers as may be prescribed by the comptroller, and such
5 bills shall be submitted to the comptroller, and, when finally
6 audited, as in this act provided for other city claims, shall be
7 paid by the city treasurer as provided in the case of other
8 claims against the city. The superintendent, under the direc-
9 tion of the commissioner, may employ all the laborers needed
10 upon the parks and streets above mentioned, and shall fix their
11 wages, subject to the approval of the commissioner and the
12 board of estimate and apportionment, and he may, in his dis-
13 cretion, make all the ordinary repairs and improvements upon
14 the parks and such streets, subject also to the direction of the
15 commissioner and to the approval of the board of estimate and
16 apportionment. He shall conduct, with the aid of the corpo-
17 ration counsel, all negotiations and proceedings for the acqui-
18 sition of lands for any park, or for any addition to any park,
19 when the acquisition of such land shall have been authorized
20 by an ordinance passed by the affirmative vote of at least three-
21 fourths of the members elected to the common council; and
22 when such lands shall have been acquired he shall regulate
23 and improve the same for park purposes. He shall also make
24 such rules, regulations and ordinances, not inconsistent with
25 the ordinances of the common council and the laws of the state,
26 as he may deem proper for the government, management and

1 care of any park, and of the streets in and through the same,
 2 and of such other streets, being approaches to the park, as may
 3 be designated by ordinances of the common council as park-
 4 ways, and such rules, regulations and ordinances, when ap-
 5 proved by the common council, shall have the force and effect
 6 of city ordinances. He shall also have such other powers and
 7 be charged with such other duties not inconsistent with the pro-
 8 visions of this act and the other laws of the state, as the com-
 9 missioner may direct or as the common council may, by ordi-
 10 nance, define and prescribe.

11

BOARD OF CONTRACT AND SUPPLY.

12 § 120. There shall be a board of contract and supply composed
 13 of the mayor, comptroller, commissioner of public works, corpora-
 14 tion counsel and city engineer, which board shall be a bureau
 15 in the department of public works. It shall be the duty of such
 16 board after public notice, and in accordance with regulations to
 17 be prescribed by general ordinances of the common council,
 18 to let to the lowest bidder, who will give adequate security
 19 for the performance of his contract, all contracts for the perform-
 20 ance of any work, service or for the supply of any materials for
 21 the department of public works, department of of public safety,
 22 department of public instruction, department of charities and
 23 correction of the city in all cases where the work and
 24 materials will cost to exceed two hundred dollars,
 25 unless by an ordinance passed by a unanimous vote
 26 of the common council and by the unanimous approval of

1 the board of estimate and apportionment, it is determined to be
 2 impracticable to procure the work or materials by contract. The
 3 public notice above mentioned must describe the work and mater-
 4 ials for which contracts will be let at the next meeting of the board,
 5 and the day and hour and place of such meeting. Specifications
 6 for every public improvement must be prepared and set forth with
 7 such details as will adequately inform all persons proposing to bid,
 8 of the nature of the work to be done and of the materials to be sup-
 9 plied and the same shall be printed and copies thereof shall be
 10 delivered to applicants therefor. But nothing herein, excepting
 11 the letting of contracts, shall interfere with the duty and authority
 12 of the commissioner of public works and of the department of parks.

13 § 121. Every contract for public improvement within the city
 14 shall be based upon estimates of the whole cost of such improve-
 15 ment furnished by the proper officer, board or department having
 16 charge of the improvement. No contract shall be let except after
 17 the receipt of bids, and no bids shall be received at any other time
 18 than at a regular meeting of the board, and unless they conform to
 19 the rules of the board and the general ordinances of the common
 20 council. All bids must in addition be endorsed with the title of the
 21 work to which they relate, the name of the bidder and his residence.

22 § 122. It shall be the duty of each member of the board to be pre-
 23 sent at the time and place mentioned in the public notice referred to
 24 in section one hundred and twenty. After all the bids have been
 25 presented, but not until an half hour after the time stated in the

1 public notice for holding the meeting, all bids shall be opened by
2 some member of the board or by the clerk, in the presence of the
3 bidders and newspaper reporters there present, though a ma-
4 jority be not then present, and an abstract of all of them,
5 with the prices and security offered, shall be immediately copied
6 in a book kept for that purpose without any change, correc-
7 tion or addition whatever. All bidders and reporters of
8 accredited newspapers shall have the privilege of being present
9 when the bids are opened. The board may refuse all bids received
10 at any meeting and advertise again for new bids, to be received at
11 another meeting as above prescribed.

12 § 123. All the oil, gas and electric lights of the city shall be
13 supplied pursuant to section one hundred and twenty of this act,
14 and under and pursuant to contracts to be let by the board
15 of contract and supply, which contracts shall cover and include
16 the lighting and supplying of the lamps and the oil, gas, electric
17 currents, the cleaning of the lamps and all the materials required
18 in the use and repair thereof. The specifications for bids for the
19 care, maintenance and lighting of the city electric lamps shall
20 provide for the care and lighting thereof for a period not exceed-
21 ing five years. They shall require each bidder to
22 furnish with his bid a certified check, payable to
23 the order of the treasurer of the city, in the sum
24 of ten thousand dollars, which sum shall be forfeited to the
25 city in case the bidder depositing the same shall be awarded the con-

1 tract and shall not execute the same and furnish the bond required,
2 which bond shall be in the penalty of fifty thousand dollars. In
3 case the contract be not awarded to the bidder, or if awarded,
4 the contract and bond shall be duly executed, such check shall
5 be returned to him.

6 § 124. The board of contract and supply shall appoint a clerk,
7 to hold office during its pleasure, whose duty it shall be to keep a
8 full journal of all the proceedings of the board, including every
9 vote thereof by ayes and noes. The minutes of each meeting of the
10 board shall be printed in full within six days after its adjourn-
11 ment and distributed immediately, one copy to each member of the
12 board, and of the common council, one to the head of each depart-
13 ment and one to every taxpayer entitled thereto under section
14 four hundred and seventy-two of this act. At the end of each year
15 the printed minutes shall be indexed and bound in adequate
16 number.

17 CITY ENGINEER.

18 § 132. There shall be a city engineer, to be appointed by the
19 mayor, and to hold office to the end of the term of the mayor
20 appointing him, unless sooner removed by the mayor, whose
21 office shall be a bureau in the department of public works.
22 He shall be a civil engineer of at least five years' practical
23 experience in his profession. It shall be his duty to perform all
24 the ordinary engineering and surveying services needed in the
25 affairs and business of the city, and to supervise, under the

1 general directions of the commissioner of public works, all the
2 work done for the city in which the skill of his profession
3 may be required or useful. He shall act as the superin-
4 tendent of public buildings, bridges, docks and wharves,
5 under such regulations as may be prescribed by ordinances of
6 the common council, and under the direction of the commissioner
7 of public works. He shall employ such subordinates to serve
8 during his pleasure, and shall have such other assistance as the
9 board of estimate and apportionment shall prescribe.

10 STREETS.

11 § 142. Except as otherwise provided in this act, the other
12 laws of the state, or by ordinances of the common council, the
13 commissioner of public works has over the streets within the city
14 all the jurisdiction, and is charged with all the duties of com-
15 missioners of highways within the towns of the state.

16 § 143. Whenever the common council shall contemplate the
17 discontinuance of any street, it shall publish a notice for ten days
18 in the official newspapers of the city of its intention to do so, and
19 that all persons interested in the street may be heard in reference
20 thereto at a time stated in such notice. If it shall determine to
21 discontinue the street and any person shall claim to be damaged
22 by such discontinuance, the damages of such person, unless
23 agreed upon between him and the commissioner of public works,
24 subject to the written approval of the board of estimate and
25 apportionment, must be ascertained and determined in the man-

1 ner provided in the condemnation law. But an ordinance dis-
 2 continuing any street shall require the affirmative vote of three-
 3 fourths of the members elected to the common council.

4 § 144. Every street that shall not have been traveled or used
 5 as a street for six years, and every street that shall not have been
 6 opened and worked within six years from the time it shall have
 7 been dedicated to the use of the public or laid out shall cease to be
 8 a street; but the period during which any action or proceeding
 9 shall have been or shall be pending in regard to any such street
 10 shall form no part of such six years.

11 § 145. All lands which shall have been used by the public as a
 12 street for twenty years or more shall be a street with the same
 13 force and effect as if it had been duly laid out and recorded as such.

14 § 146. Whenever the common council shall contemplate the
 15 opening and laying out of a new street, or the alteration of an
 16 existing street, or the improvement of a street, it shall require the
 17 commissioner of public works to make a survey and description of
 18 the proposed street, or alteration, or improvement, and the prop-
 19 erty deemed to be benefited thereby and liable to assessment there-
 20 for, and to file the same in his office, and it shall then cause a
 21 notice to be published once a week for three successive weeks in the
 22 official newspapers of the city describing the street to be opened, or
 23 the alteration, or improvement to be made, and the property
 24 deemed to be benefited thereby, and liable to assessment therefor as

1 hereinafter provided, and naming the time when all persons inter-
2 ested can be heard in reference to such opening, alteration or im-
3 provement, and if, after hearing such persons, it shall determine to
4 open the proposed street, or to make the proposed alteration, or im-
5 provement, it shall pass an ordinance to that effect, which ordinance
6 must have the affirmative vote of three-fourths of all the mem-
7 bers elected to the common council, unless a majority of the owners
8 of property liable to be assessed for the opening, altering or im-
9 proving the street shall petition therefor.

10 § 147. Any person conceiving himself aggrieved by an ordinance
11 of the common council opening, altering, discontinuing or improv-
12 ing a street may appeal therefrom to the board of estimate and
13 apportionment by serving upon the commissioner of public works
14 within ten days after the passage of such ordinance a written
15 notice of appeal. After the service of such notice, the board shall
16 give notice of the time and place for hearing such appeal by pub-
17 lishing a notice for at least five days in the official newspapers of
18 the city. Upon the hearing of such appeal the city judges shall
19 take the place of the mayor and president of the common council
20 as members of the board. The city clerk shall place before the
21 board all the papers relating to the street which were before the
22 common council at the time of its action; and the board shall
23 receive such other papers and such affidavits as may be presented
24 to it on behalf of the appellant or the city; and after hearing the
25 appeal, if it shall affirm the action of the common council, its

1 determination shall be final; if it shall reverse such action and set
2 aside the ordinance appealed from, then no new proceeding to
3 open, alter, discontinue or improve the same street shall be insti-
4 tuted within two years.

5 § 148. The expense of opening or altering a street shall be
6 borne by the real estate benefited thereby, which expense
7 shall be assessed and apportioned by the city assessors
8 upon and against such real estate in proportion to benefits,
9 within the district of benefits determined by the board of estimate
10 and apportionment. Any expense of improving a street shall be
11 assessed upon the property abutting upon the street upon which
12 the improvement shall be made in an equitable manner, as near as
13 may be in proportion to the benefits which each owner of such
14 property may derive therefrom, without reference to any improve-
15 ments already thereon.

16 § 149. The commissioner of public works may acquire for the
17 city, land needed for the opening of a new street, or for the altera-
18 tion of a street, by gift, or by purchase at a price approved by the
19 board of estimate and apportionment, or by condemnation pro-
20 ceedings conducted under the condemnation law.

21 § 150. When a street has once been established, graded, paved,
22 flagged and curbed at the expense of the owners of property
23 deemed to be benefited thereby, every expense thereafter of keep-
24 ing the street between the sidewalks in repair and clean shall be
25 borne wholly by the city, except that it shall be the duty of all
26 railroad companies to cause that part of the streets throughout

1 the city upon which their tracks are laid, lying between the outer
2 rails of the tracks and for two feet on either side thereof, to be kept
3 in repair under the direction of the commissioner of public works.

4 § 151. The owners of lots abutting on a street may be required
5 by city ordinances and under regulations and conditions specified
6 in such ordinances to keep the sidewalks in front of such lots in
7 repair and clear of snow and ice.

8 SEWERS.

9 § 161. Whenever the common council shall contemplate the
10 building of any sewer, it shall require the commissioner of public
11 works to cause plans and estimates of the cost thereof, and a
12 description of the property deemed to be benefited thereby and
13 liable to be assessed therefor, to be prepared, which plans, esti-
14 mates and description shall be and remain on file in his office. It
15 shall then publish a notice in the official newspapers of the city
16 for twenty days, of the time when it will hear all persons inter-
17 ested in the construction of the sewer; and after such hearing it
18 shall determine whether the contemplated sewer shall be con-
19 structed; and in case it shall determine that the same shall be
20 constructed, it shall further determine the plans thereof.

21 § 162. The expense for the construction of a sewer shall be borne
22 by the real estate to be benefited thereby, which expense shall be
23 assessed against and apportioned to such real estate by the city
24 assessors, as herein provided, within a district of benefits to be
25 determined by the board of estimate and apportionment.

1 § 163. If any real estate within or without the city shall be
 2 needed for the construction of any sewer ordered by the common
 3 council as above provided, it may be acquired by the commissioner
 4 of public works, by gift, or by purchase, for a price approved by
 5 the board of estimate and apportionment, or by condemnation
 6 proceedings conducted on behalf of the city under the condemna-
 7 tion law.

8 § 164. When any expense of the construction of a sewer is to be
 9 assessed against real estate to be benefited thereby, unless the
 10 owners of a majority in lineal feet of the real estate along the
 11 sewer shall petition for the construction of the sewer, its construc-
 12 tion shall not be authorized except by a vote of three-fourths of
 13 the members of the common council.

14 ARTICLE VI.

15 DEPARTMENT OF PUBLIC SAFETY.

16 POLICE DEPARTMENT — FIRE DEPARTMENT — HEALTH DEPARTMENT.

17 Section 174. Police department.—There shall be a commis-
 18 sioner of public safety appointed by the mayor within ten days
 19 after the beginning of every mayoralty term. He shall have
 20 charge of and supervision over the police department and shall
 21 hold office for two years unless sooner removed by the mayor.
 22 The commissioner shall appoint when a vacancy shall
 23 occur, a chief of police, to hold office during good
 24 behavior, or until by age or disease he becomes per-
 25 manently incapacitated to discharge his duties, and such

1 other subordinates to hold office during his pleasure as may be
2 prescribed by the board of estimate and apportionment. In case
3 of a vacancy in the office of commissioner of public safety, the
4 mayor shall, within ten days, fill the vacancy by appointment for
5 the remainder of the term. The commissioner of public safety
6 and the chief of police shall each give a bond to the city with
7 sureties, for the faithful discharge of the duties of their respective
8 offices, in a penalty to be prescribed by the common council,
9 which bond, as to its form and the sureties thereto, shall be
10 approved by the mayor.

11 § 175. The commissioner shall appoint a clerk, to hold office dur-
12 ing his pleasure. It shall be the duty of the clerk to attend
13 at the office of the commissioner and keep, under his direction,
14 all the records and papers relating to the police department; and
15 the clerk shall have authority to administer oaths and take affida-
16 vits in all matters and proceedings pertaining to the department.
17 The commissioner shall also cause a record to be kept of all his
18 official acts, which must at all times be open to the inspection of
19 the mayor, and, so far as compatible with the public interests, also,
20 at all proper times, to the inspection of any resident of the city.

21 § 176. The commissioner shall make rules and regulations, not in-
22 consistent with the provisions of this act, the other laws of the state
23 or the ordinances of the common council, for the government,
24 direction, management and discipline of the police force.

25 § 177. The police force shall, as to its component parts, remain

1 in each city as now constituted until the same shall be changed
2 by the action of the common council thereof, which has power,
3 at all times, by ordinance, to determine the number of the mem-
4 bers of the police department, and the classes or grades into
5 which they shall be divided, but the number of members of the
6 police department shall not be increased without the approval of
7 the board of estimate and apportionment by a resolution adopted
8 by at least four affirmative votes of said board.

9 § 178. The commissioner has authority to appoint, as vacancies in
10 the police force occur, or as the ordinances of the common council
11 may require, all the members of the police force, and at all times
12 to classify and distribute them into grades to conform to such
13 ordinances; and under such ordinances he may appoint and
14 assign to duty temporary or special members of the police force
15 for such time of service and upon such terms and conditions as
16 such ordinances may specify, and with the same powers as the
17 regular members of the police force, except as limited in such
18 ordinances.

19 § 179. No person shall be appointed to membership in the police
20 force of the city, or continue to hold membership therein, who is
21 not a citizen of the United States, who is not of good moral char-
22 acter, who has ever been convicted of any crime, who can not
23 understandingly read and write the English language, or who
24 shall not have resided in the city during the two years next pre-
25 ceding his appointment.

1 § 180. All the members of the police force, subject to the power
2 of removal hereinafter specified, shall hold their respective offices
3 during good behavior, or until by age or disease they become per-
4 manently incapacitated to discharge their duties.

5 § 181. The members of the police force, excepting the surgeons,
6 in criminal matters, have all the powers of constables under the
7 general laws of the state; and they also have power and it is their
8 duty to arrest any person by them found violating any of the penal
9 ordinances of the city or laws of the state, and to take such person
10 before the proper city magistrate, to be dealt with in the same
11 manner as if such person had been arrested upon a warrant there-
12 tofore duly issued by such magistrate. It shall be their duty
13 to report violations of law and ordinances, coming to their knowl-
14 edge in any way, under regulations to be made by the commissioner
15 to give effect to this provision. They shall also have in every part of
16 the state in criminal matters all the powers of constables; and any
17 warrant for search or arrest issued by any magistrate of the state
18 may be executed by them in any part of the state, according to the
19 tenor thereof, without indorsement and all the provisions of sec-
20 tions seven, eight and nine of chapter two, title two, part four of
21 the revised statutes apply to the cases of arrests made as herein
22 authorized.

23 § 182. All criminal process for any offense committed within the
24 city, and all process to recover or to enforce any penalty for the
25 violation of any city ordinance issued out of any court or by any
26 magistrate within the city, and every process, subpoena or bench

1 warrant issued by the district attorney of the county in which the
2 city is situated relating to any offense within the city, and every
3 process, subpoena or warrant issued by any coroner of such county
4 in any inquest held in the city relative to the death of any person,
5 may be served by the members of the police force.

6 § 183. The chief of the police department has power, and it is
7 his duty to see that all rules and regulations of the commissioner
8 are enforced and carried out, to commit any person charged with a
9 criminal offence until an examination shall be had before the proper
10 magistrate; and he is empowered to administer oaths and to
11 take affidavits in all matters pertaining to his duties under this act,
12 or relating to the police department, and to perform such other
13 duties not inconsistent with the provisions of this act as may be
14 delegated to him by the commissioner.

15 § 184. If a charge be made by any person against any mem-
16 ber of the police force, that he is incompetent, or has been
17 guilty of neglect of duty, misconduct in his office, or of con-
18 duct unbecoming a police officer, the charge must be put in
19 writing, in the form required by the rules of the police depart-
20 ment, and a copy thereof must be served upon the accused officer
21 It is then the duty of the commissioner to hear, try and de-
22 termine the charge according to the rules of the police depart-
23 ment. The accused officer has the right to be present at his trial,
24 and to be heard in person and by counsel, and give and furnish
25 evidence in his defense. All trials shall be open to the public.

1 The commissioner has power to issue subpoenas attested in his
2 name to compel the attendance of witnesses upon any proceeding
3 authorized by the rules and regulations of the police
4 department, and any person duly served with a sub-
5 poena is bound to attend in obedience to the com-
6 mand thereof; and the commissioner has the same authority to
7 enforce obedience to the subpoena, and to punish for disobedience
8 thereof, as is possessed by justices of the peace in like cases. If
9 the accused officer shall be found guilty of the charge made
10 against him, the commissioner may order his suspension from pay
11 for some definite time, or impose upon him a fine not exceeding fifty
12 dollars, or reduce his grade, or dismiss him from the police force,
13 or subject him to any other discipline prescribed in the rules of the
14 police department which is not inconsistent with the provisions
15 of this act or with other laws of the state. The decision of the
16 commissioner shall be final and conclusive and not subject to
17 review by any court.

18 § 185. Any police pension fund now existing in any city or here-
19 after created under the rules and regulations of the police de-
20 partment, or under ordinances of the common council, shall be
21 maintained, managed and controlled by the comptroller of the
22 city, under the rules and regulations prescribed by city ordi-
23 nances, and he shall be the trustee of the fund for the purposes
24 of its creation; and the rights of all persons in any pension fund
25 now existing shall remain unimpaired by this act.

26 § 186. The mayor being charged to take care that the laws of
27 the state and the ordinances of the common council and of the

1 commissioner in charge of the health department be duly
2 executed within the city, is empowered to control and
3 direct the police department for this purpose; and in
4 case of riot or insurrection, he may take command of the whole
5 police force, including the chief executive officer thereof, and he
6 may for the occasion appoint and commission as many special
7 policemen as he may deem necessary, who shall have all the
8 powers of regular members of the police force.

9 § 187. No member of the police department is liable to military
10 or jury duty, or to arrest on civil process, or to service of subpoena
11 from civil courts, while actually on duty, nor shall he hold any
12 other office or be employed in any other department of the city
13 government.

14 § 188. All appointments to membership on the police force
15 shall be made pursuant to the civil service laws of the state, and
16 in case of any vacancy in the police force, the same shall be filled
17 from a list of persons eligible to appointment under such laws.

18 § 189. No officer or member of the police department shall be a
19 member of or delegate to any political convention, nor shall he
20 be present at any such convention except in the performance of
21 duty relating to his position as such officer or member. Any
22 violation of these provisions shall work a forfeiture of his office
23 or position, and it shall be the duty of the mayor to dismiss him
24 from his office or position, and enter of record the cause of such
25 dismissal.

§ 190. It is unlawful for any officer or member of the police department to solicit any person to vote at any political caucus, primary or election for any candidate, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary or at any election, or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.

8 § 191. In addition to the provisions herein contained, the com-
9 mon council may make any ordinances, not inconsistent with this
10 act or the other laws of the state, for the government of the police
11 department, and for regulating the powers and duties of its
12 officers and members.

§ 192. All officers and members of the police department,
when this act takes effect, shall remain and continue in their
respective positions until their positions shall become vacant by
death, resignation or by removal under procedure hereinbefore
set forth.

18 FIRE DEPARTMENT.

§ 201. The commissioner of public safety shall have charge of
and supervision over the fire department.

21 § 202. The fire department in each city shall, as to its component
22 parts, except the head thereof, remain as now constituted until
23 the same shall be changed by the action of the common council,
24 which shall at all times have authority, by ordinance, to determine
25 the number and grades of all officers and members of the depart-
26 ment.

1 § 203. The commissioner shall appoint, when a vacancy shall oc-
2 cur, a chief of the fire department, who shall hold office during good
3 behavior, or until by age or disease he becomes permanently inca-
4 pacitated to discharge his duties, and such other subordinates, to
5 hold office during his pleasure, as may be prescribed by the
6 board of estimate and apportionment, and all the officers and
7 members of the department as vacancies may occur or the or-
8 dinances of the common council require or determine; and all
9 the officers and members of the department shall, except as here-
10 inbefore specified, and subject to the power of removal herein-
11 after specified, hold their respective places during good behavior
12 and so long as they are competent to discharge the duties there-
13 of, subject to the power of the common council to abolish any
14 office or to diminish the number of members. It shall be the
15 duty of the chief, subject to the direction and control of the
16 commissioner, to perform such services as may be delegated or
17 directed by the commissioner.

18 § 204. Any officer or member of the department may be removed
19 by the commissioner upon charges affecting his conduct or charac-
20 ter or his competency or capacity to discharge his duties, after a
21 hearing upon such charges or an opportunity to be heard after
22 notice thereof. The trial upon such charges shall be publicly con-
23 ducted, according to rules and regulations adopted and promul-
24 gated by the commissioner; and for the purpose of such trials, the

1 commissioner may issue subpoenas for witnesses and compel their
2 attendance. In case an officer or member is found guilty upon
3 charges affecting his conduct or character, instead of removing
4 him, the commissioner may, in his discretion, suspend him from
5 pay in the department for some definite time, or impose upon him
6 a fine not exceeding fifty dollars. The decision of the commis-
7 sioner shall be final and conclusive and not subject to review by
8 any court.

9 § 205. Any pension fund for the benefit of members of the fire
10 department, now existing, or hereafter created by law and the
11 rules and regulations of the department based thereon, shall be
12 maintained, managed and controlled by the city comptroller,
13 under such rules and regulations. He shall be the trustee of the
14 fund for the purposes for which it was created, and the rights
15 of all persons in any pension fund now existing shall remain
16 unimpaired by this act.

17 § 206. The commissioner has the control and management of all
18 the apparatus, property and buildings furnished for the department
19 or appertaining thereto; and he has the general direction of the
20 expenditure of all the money appropriated to the department, as
21 herein provided. When the commissioner declares that any
22 real property or building is needed for the department, re-
23 quiring an expenditure of over five hundred dollars, he
24 must report the facts concerning such need to the common council,
25 which may by ordinance give authority for the purchase of the

1 property, or the erection of the building by contract, to be let
2 by the board of contract and supply, as heretofore provided, unless
3 the common council and board of estimate and apportionment
4 shall, by a unanimous vote, declare it impracticable to purchase
5 the material or to do the work authorized in that way, in which
6 case the fire commissioner may make the purchase and do the
7 work, using his own judgment.

8 § 207. All officers and members of the fire department when
9 this act takes effect, shall remain and continue in their respective
10 positions until their positions shall become vacant by death, re-
11 signation, or by removal under the procedure hereinbefore set
12 forth.

13 DEPARTMENT OF HEALTH.

14 § 220. The commissioner of public safety shall have charge of
15 and supervision over the department of health.

16 § 221. The commissioner of public safety shall appoint, within
17 thirty days after his appointment, in the first instance, and
18 thereafter when a vacancy shall occur, a health officer, who
19 shall be a doctor of medicine duly licensed under the laws of
20 this state to practice as a physician and surgeon, and who has
21 had at least ten years' practice as such. He shall hold his office
22 during good behavior, or until by age or disease he become perma-
23 nently incapacitated to discharge his duties. Every vacancy in
24 such office shall be filled by the commissioner for the remainder
25 of the term. The commissioner shall exercise all the powers
26 and be charged with all the duties conferred upon or required of

1 local boards of health by the laws of this state, so far as the same
2 pertain to cities, with the exceptions, limitations and additions
3 herein contained.

4 § 222. Any person aggrieved by an order, decision or direction
5 of the health officer, may appeal therefrom to the commissioner,
6 who may affirm, reverse or modify the order, decision or direction
7 appealed from. Such appeal must be made by serving on the
8 health officer a written notice of appeal within two days, Sun-
9 days and legal holidays excepted, or within such further time
10 as shall be allowed by the commissioner after the appellant
11 receives notice of the order, decision or direction appealed from.
12 Within two days after receiving such notice of appeal, Sundays
13 and legal holidays excepted, the health officer shall make a
14 written return to the commissioner of the facts and of the evi-
15 dence on which such order, decision or direction is founded. Upon
16 receipt of such return, or if no return be made within the time
17 specified, the commissioner shall forthwith proceed to hear and
18 determine the matter. Upon such appeal the commissioner need
19 not be confined to the evidence contained in the return, but in his
20 discretion may take additional evidence. Until the decision of the
21 appeal be made, the order, decision or direction appealed from
22 shall be suspended. In case of failure to sustain the appeal, the
23 commissioner may, in his discretion, impose costs not exceeding
24 ten dollars upon the appellant.

25 § 223. The health officer by the authority and under the direction
26 of the commissioner, may appoint a deputy and employ such ex-

1 perts in the sciences or arts relating to health, and employ such
2 other persons as may be needed, and as the commissioner may
3 authorize to assist him in the discharge of his duties and to carry
4 into effect his decisions, orders and directions, and the powers
5 vested in him by this act, subject to the approval of the board of
6 estimate and apportionment. The deputy and experts, and other
7 persons so employed, shall serve during the pleasure of the
8 health officer and under his direction, and the direction of the
9 commissioner, but their compensation shall be fixed by the
10 commissioner of health, subject to the approval of the board of
11 estimate and apportionment.

12 § 224. The health officer has authority and it is his duty to make
13 inspection and to advise as to the proper heating, ventilation and
14 drainage of public buildings under the control of the city or any
15 of its departments, and in case any such building is in use or in
16 process of erection without, in the opinion of the health officer,
17 proper arrangements for heating, ventilation or drainage, he
18 has power, subject to the right of appeal herein provided, to stop
19 the use or the erection of such building, to direct such arrange-
20 ments to be made and to restrain further work upon the build-
21 ing until they are made.

22 § 225. All plans for public sewers and drains shall be sub-
23 mitted to the health officer for his approval before contracts are
24 let for the construction of the same, and in case of his refusal to
25 approve the same such drains and sewers shall not be constructed

1 unless on appeal to the commissioner of health he shall approve
2 the same.

3 § 226. The commissioner shall divide the city into not less than
4 two nor more than seven districts, to be known as health districts,
5 and shall file with the city clerk a written designation of such dis-
6 tricts; and he may from time to time alter such districts by filing
7 with the clerk a written designation of such alteration.

8 § 227. The commissioner shall appoint to hold office during his
9 pleasure, a health physician for each of such districts, who shall
10 perform such duties as he may direct or prescribe. Their com-
11 pensation shall be fixed by the commissioner subject to
12 the approval of the board of estimate and apportionment. The
13 deputy health officer and health physicians shall render medical
14 services to indigent sick persons under the direction of the health
15 officer and of the proper poor officers of the city, whether such sick
16 persons are or are not inmates of alms-houses, hospitals or other
17 public institutions of the city.

18 § 228. The commissioner is authorized, under the advice of the
19 corporation counsel, in the name of the city, to maintain actions to
20 restrain the threatened performance of any act contrary to its
21 orders, directions, decisions or ordinances and to restrain and
22 abate nuisances; and for the purpose of obtaining a temporary
23 injunction in any such action no undertaking shall be required.

24 § 229. In case of great and imminent peril to the public health
25 of the city by reason of impending pestilence, it shall be the duty
26 of the commissioner, with the sanction of the common council, if it

1 be practicable, to convene that body for prompt action, or if not,
2 when approved by the board of estimate and apportionment, to
3 take such measures, and do, order, or cause to be done, such acts,
4 and to make such extraordinary expenditures in excess of the sum
5 appropriated to the department of health, as in this act provided,
6 for the preservation and protection of the public health as he may
7 deem necessary and proper. Such peril to public health shall be
8 deemed to exist only when and for such period as the commis-
9 sioner and the board of estimate and apportionment by unanimous
10 vote shall determine and by proclamation declare.

11 § 230. Any officer or member of the department may be removed
12 by the commissioner upon charges affecting his conduct or char-
13 acter or his competency or capacity to discharge his duties, after
14 a hearing upon such charges or an opportunity to be heard after
15 notice thereof. The trial upon such charges shall be publicly
16 conducted, according to rules and regulations adopted and
17 promulgated by the commissioner; and for the purpose of such
18 trials, the commissioner may issue subpoenas for witnesses and
19 compel their attendance. In case an officer or member is found
20 guilty upon charges affecting his conduct or character, instead
21 of removing him, the commissioner may, in his discretion, sus-
22 pend him from pay in the department for some definite time, or
23 impose upon him a fine not exceeding fifty dollars. The decision
24 of the commissioner shall be final and conclusive and not subject
25 to review by any court.

1 § 231. The public health law, so far as it pertains to cities, shall
2 be applicable to cities of the second class, except as herein ex-
3 pressly modified.

4 **ARTICLE VII.**

5 DEPARTMENT OF PUBLIC INSTRUCTION.

6 § 240. The department of public instruction shall continue as
7 provided by law.

8 § 241. The commissioners may appoint, to hold office during
9 pleasure, such subordinates as may be prescribed by the board
10 of estimate and apportionment. In case of vacancy in the office
11 of commissioner of education, the mayor shall, within ten
12 days, fill the vacancy by appointment for the remainder of the
13 term.

14 § 242. The commissioners shall appoint a suitable person
15 superintendent of schools in the city, who shall exercise the
16 powers and discharge the duties hereinafter defined, and shall
17 be allowed such compensation for his services as the
18 commissioners may determine. They shall also appoint,
19 from time to time, such other employes, including teachers
20 and attendance officers as the school system may require,
21 and fix the amount of their compensation. They shall have the
22 care, custody and safe keeping of all school property, real and
23 personal; and shall make rules and regulations for the gov-
24 ernment of the schools and its employes except as hereinafter
25 provided; prescribe courses of study and text-books; supply the
26 requisite text-books and stationery for the use of indigent pupils;

1 provide the several schools with the necessary school apparatus,
2 maps and music-books, the expense thereof to be defrayed out of
3 the school moneys of the city.

4 § 243. The commissioners shall have all the powers and are
5 charged with all the duties of commissioners of common schools,
6 and of trustees of the several school districts in this state, under
7 the general statutes relating to common schools, so far as such
8 powers and duties can be made applicable to the schools herein
9 provided for, and are not inconsistent with the provisions of this
10 act.

11 § 244. The superintendent of schools shall hold office during
12 good behavior, or until by age or disease he become permanently in-
13 capacitated to discharge his duties of the commissioner. Any
14 person may prefer charges of incompetency, maladministration
15 or misconduct in office against the superintendent, and thereupon
16 the commissioners shall proceed to hear the charges, and in case
17 the same shall be sustained the superintendent may be dismissed
18 from his office. The decision of the commissioner shall be final
19 and conclusive, and not subject to review by any court.

20 § 245. The superintendent has power and it is his duty to see that
21 all rules and regulations of the commissioners are complied with
22 by the principals and teachers; to determine the different grades of
23 study which shall be pursued in the various departments of the
24 several schools; to transfer teachers from one school to another,
25 or from one grade to another, to suspend any teacher temporarily

1 for cause; provided, however, that the reasons for such suspension
2 shall be immediately transmitted to the commissioners in writing;
3 to transfer pupils from one school to another; to prescribe rules
4 and regulations for the admission, examination and promotion of
5 pupils.

6 § 246. All assistant teachers shall be appointed for a proba-
7 tionary period of one year, at the expiration of which term, unless
8 satisfactory evidence of incompetency is submitted by the superin-
9 tendent, the probationer may be appointed by the commissioners
10 and thereafter such teacher shall hold the position during good be-
11 havior and shall be removable only for cause, after a hearing by the
12 commissioners. All probationary appointments shall be made
13 from the head of a merit list, upon which the names of all eligible
14 candidates for appointment as assistant teachers shall appear in
15 the order of their rank in scholarship and qualifications for teach-
16 ing; and it shall be the duty of the commissioners to prescribe by
17 rules not inconsistent with the laws of the state, the means of de-
18 termining such rank in scholarship and qualifications. All prin-
19 cipals and teachers shall hold their positions during good behavior
20 and shall be removable only for cause, after a hearing by the com-
21 missioners. The decision of the commissioners shall be final and
22 conclusive and not subject to review by any court.

23 § 247. Whenever in the opinion of the commissioners any repairs
24 are needed to the public school buildings in the city, they shall call
25 upon the commissioner of public works to make such repairs under
26 their direction. They shall recommend to the common council, when

1 in their opinion the public interests require, the sale of any school-
2 house, the purchase of any land or building for a school-house,
3 and the purchase of any supplies or furniture for the schools, and
4 the purchase of any books for the school libraries; and when
5 authorized thereto by an ordinance of the common council, the
6 board of contract and supply may make such sale, purchase or
7 lease in the manner in this act provided; and they may recommend
8 to the common council the erection of any school building accord-
9 ing to plans prepared under their direction; and when authorized
10 thereto by an ordinance of the common council, the department of
11 public works shall erect such buildings in the manner and upon
12 the conditions prescribed in this act.

13 § 248. The commissioners of education shall have power, and it
14 shall be their duty as soon as practicable after their appointment,
15 to divide the city into five inspection districts, which districts must
16 be contiguous and as nearly as may be of equal population, and at
17 once upon the making of such inspection districts, maps of the
18 same duly authenticated by the commissioners shall be filed in the
19 office of the city clerk. Such divisions shall remain and constitute
20 the inspection districts of the city during a period of at least two
21 years. Two years after the first division of the city into inspection
22 districts, the successors in office of the first commissioners of edu-
23 cation after this act takes effect may, within thirty days after
24 their election, file a certificate with the city clerk adopting the exist-
25 ing division of inspection districts, or make such changes as to them
26 shall seem proper, in the same manner and subject to the same

1 regulations as hereinbefore provided. The mayor within thirty
2 days after the beginning of his term, shall appoint five inspectors
3 of common schools from the city at large, at least two of whom
4 shall be women, who shall take office immediately after their ap-
5 pointment, and hold office, one for the term of one year, one for
6 the term of two years, one for the term of three years, one for the
7 term of four years and one for the term of five years, and within
8 ten days after the expiration of each succeeding term in every year
9 thereafter, the mayor shall appoint one inspector of common
10 schools from the city at large to take office forthwith, and to hold
11 office for the full term of five years. Any vacancy in said office of
12 inspector of common schools by death, resignation or otherwise,
13 shall be filled by the mayor for the unexpired term. Such inspect-
14 ors shall be assigned by the mayor to one of the five inspection
15 districts and they shall serve without compensation.

16 § 249. Any inspector of common schools may be removed by the
17 mayor upon proof either of official misconduct in office, or of will-
18 ful neglect of official duties therein, or of conduct in any manner
19 connected with his or her official duties, or otherwise, which tends
20 to discredit his or her office or the school system, or of physical or
21 mental inability to perform his or her duties as such inspector.
22 But before such removal such inspector shall receive due and
23 timely notice in writing of and a copy of all charges against him or
24 her and shall be entitled to a hearing on like notice before the
25 mayor.

1 § 250. The duties of the inspectors of common schools are con-
2 stituted and fixed as follows, and not otherwise: It shall be the
3 duty of the inspectors of common schools in their respective dis-
4 tricts to examine at least once in every quarter all the schools in
5 the district in respect to punctual and regular attendance of the
6 teachers and pupils, the fidelity and competency of the teachers,
7 progress, order and discipline of the pupils; the cleanliness, safety,
8 warming, ventilation and comfort of the school premises, and
9 whether or not the provision of the school laws in respect to the
10 teaching of secular doctrines, or the use of secular books have been
11 violated, and to call the attention of the commissioners of education
12 without delay to any matters requiring official investigation. They
13 shall, on or before the first day of January, April, July and October
14 of each year, make a written report to the commissioners of educa-
15 tion in respect to the condition of the schools, the efficiency of the
16 teachers, and wants of the districts, especially in regard to schools
17 and school premises. The inspectors appointed shall organize
18 forthwith after their appointments, by the election of a chairman
19 and secretary, and shall meet as often as may be necessary for the
20 prompt performance of all duties imposed upon them, and for the
21 discussion of all matters which may come to their attention.

22 § 251. All public moneys apportioned or appropriated to or for
23 the city, or to or for any of the school districts therein, or for
24 the school libraries, shall be paid by the proper officers to the
25 treasurer, and in the accounts kept by him shall be credited to

1 the department of public instruction and paid out by him upon
2 bills properly allowed and audited in the same manner as obtains
3 in the case of other bills against the city.

4 § 252. All officers, principals and teachers connected with the
5 public schools when this act takes effect, shall remain and continue
6 in their respective positions until their positions shall become
7 vacant by death, resignation, or by removal under the procedure
8 hereinbefore set forth.

9 ARTICLE VIII.

10 DEPARTMENT OF ASSESSMENT AND TAXATION.

11 ASSESSORS.

12 Section 260. There shall be four assessors. They shall be elected
13 at the city election at the same time as the mayor, two for two
14 years, and two for four years; and thereafter, at the expiration of
15 the term of office of the two assessors chosen for that period, two
16 successors shall be elected for the full term of four years. In case
17 of a vacancy in the office of assessor, the mayor shall fill the va-
18 vancy by appointment for the remainder of the term. They shall
19 appoint, to hold office during their pleasure, such assistants or
20 subordinates as the board of estimate and apportionment shall
21 prescribe.

22 § 261. They shall perform the duties and possess the powers
23 conferred upon assessors in the towns of the state, and be subject
24 to all their obligations; and they shall also perform all the duties
25 specified in this act in reference to the assessment of property.
26 For the purpose of levying the taxes they shall make an assess-
27 ment-roll for each ward. On completing the rolls, which shall

1 be on or before the first day of September in each year, they shall
2 leave them in their office; and they shall then give notice, by
3 posting hand-bills and publishing in the official papers, that the
4 rolls are completed and left in their offices where the same may
5 be seen and examined by any person for the next twenty days
6 and that the assessors will attend during that time to review the
7 assessments in the same manner as the assessors in towns.

8 § 262. In the assessment of any lands in the city, it is sufficient
9 to state the name of one of the owners of such lands, if the owner
10 or owners be residents of the city, or of the occupants if the
11 owner or owners be non-residents, the lot and block on which it is
12 situated, if the same be subdivided into lots and blocks, or the
13 number of the lot or farm lot if not so subdivided into blocks and
14 lots, and designated upon the city map last adopted by the com-
15 mon council, and also the street and number of any building
16 thereon; but if the land be vacant or the building thereon not
17 numbered, then the name of the street on which it fronts and a
18 brief description of the premises shall be given. In case no
19 inhabited building be on the land and the residence of the owner
20 be unknown, such owner may be designated as unknown. No
21 assessment hereafter made in said city shall be held to be invalid
22 because the same may be made out, in terms, against owner or
23 owners unknown, or the estate of a deceased person (naming such
24 person), or the executor, administrator, heirs or devisees of
25 a deceased person (naming such person), or against a company or
26 firm name, or against a person in whom is the record title, though

1 not the actual title of the property, or for any cause arising through
2 ignorance or mistake as to the name of the owner or owners of the
3 property assessed, whether individual or a corporation, provided
4 that such property is sufficiently described on the assessment-rolls
5 to identify and indicate the particular property which it was in-
6 tended to assess. Every assessment-roll shall be considered as re-
7 ferring to the last adopted map unless it be otherwise stated
8 therein.

9 § 263. During the time the assessors are reviewing and cor-
10 recting the rolls, they have power to add to or insert in any roll
11 any property liable to assessment which may have been by mis-
12 take omitted from such roll, upon giving personal notice to the
13 owner or agent of the property at least two days prior to adding
14 the same, and an opportunity to be heard in reference thereto.
15 At the end of the twenty days they shall cease to correct and
16 review the rolls; and they shall, within twenty days thereafter,
17 subscribe, verify and deliver the same to the city clerk, to be
18 filed by him in his office, and a duplicate of the roll of each ward
19 shall be delivered by the clerk to the supervisor of the ward, to
20 be by him delivered to the board of supervisors of the county in
21 which the city is located.

22 § 264. The assessors' office shall be open daily, except Sundays
23 and legal holidays, from ten o'clock in the forenoon to five o'clock
24 in the afternoon, during which time one of the assessors, or their
25 clerk, shall be in attendance.

1 § 265. The books, maps, assessment-rolls and papers pertaining
 2 to the office of the assessors are public records, and at all reason-
 3 able times shall be open to public inspection in their office.

4

TAXES AND ASSESSMENTS.

5 § 275. The board of supervisors of the county in which the city
 6 is situated, shall deal with the assessment-rolls returned to it
 7 from the several wards as herein provided, in the manner required
 8 by the general laws of the state, except that, instead of annexing
 9 to the assessment-roll of each ward separately a warrant for the
 10 collection of the taxes, it may, in its discretion, combine all the
 11 rolls from the several wards into one roll and annex thereto a
 12 single warrant, and except further that the warrant or warrants
 13 must, before the first day of January in each year, be directed
 14 and delivered to the city treasurer commanding him to collect
 15 the taxes.

16 § 276. Whenever the common council shall determine the
 17 amount of money to be raised for city purposes, the city clerk
 18 shall, upon duplicates of the rolls filed with him by the assessors,
 19 apportion the amount of such money in the same manner as is
 20 above provided in reference to the rolls returned to the board of
 21 supervisors; and after he has made such apportionment and com-
 22 pleted such rolls in the manner required as to tax rolls of towns,
 23 he shall, if the common council so determine, combine all the
 24 rolls from the several wards into one. Thereafter at a time to be
 25 specified in such ordinance, the mayor shall annex to each of the

1 rolls, or to the combined roll, in case all the rolls shall be com-
2 bined, a warrant under his hand and the seal of the city directed
3 to the city treasurer commanding him to collect from the several
4 persons named in the assessment-roll, the several sums mentioned
5 in the last column of such roll opposite their respective names.

6 § 277. The city treasurer, after he has received any warrant
7 for the collection of the taxes in the two prior sections named,
8 shall have, except as herein otherwise provided, under and by
9 virtue of the same, all the powers and be charged with all the
10 duties of town collectors under the general laws of the state.
11 In addition to the notices required by such laws to be posted,
12 the treasurer shall immediately after the receipt by him of the
13 warrant for the collection of such taxes publish a notice in the
14 official newspapers of the city for thirty days that he will attend
15 at his office to receive the taxes which he is commanded to collect.

16 § 278. The common council shall by ordinance fix the time
17 within which taxes shall be payable without any fee or charge
18 of any kind, and may provide for a rebate of any tax, not exceed-
19 ing one per centum thereof, as a premium for prompt payment.
20 On all taxes remaining unpaid after the expiration of the time
21 so fixed by the common council, the treasurer shall collect five
22 per centum additional; and all such taxes shall bear interest there-
23 after at the rate to be fixed by the common council not exceeding
24 one per centum per month; and such interest in addition to the
25 five per centum shall be collected by the treasurer, by virtue

1 of his warrant, which percentage and interest shall belong to
2 the city.

3 § 279. In addition to all the other remedies for collection of
4 city taxes, the treasurer may, in the name of the city, sue for and
5 recover, in an action against any person liable therefor, all taxes
6 which remain unpaid after the time fixed by the common council
7 within which taxes shall be payable without any fee or charge
8 of any kind. But a judgment in such action in favor of the city,
9 until it has been satisfied, shall not bar any other remedy for the
10 collection of the tax, nor operate to release any lien thereof.

11 § 280. If, after the expiration of the time fixed by the common
12 council within which taxes shall be payable without any fee or
13 charge of any kind, any taxes which the treasurer is required to
14 collect by virtue of any warrant, remain unpaid, the treasurer
15 may issue to one or several of the city marshals a warrant under
16 his hand and the seal of the city, in substantially the same form
17 as that issued to him, commanding the marshal to whom any
18 such warrant may be directed to collect the taxes in such warrant
19 mentioned; and in the collection of such taxes, every marshal
20 shall have all the powers of the treasurer by virtue of the war-
21 rants issued to him. The marshal shall daily pay to the treasurer
22 all the taxes collected by him, and he shall be entitled to collect
23 and receive to his own use the five per centum payable upon such
24 taxes, and he shall receive no other compensation for the duties
25 discharged by him under his warrant.

1 § 281. The treasurer shall daily deposit all taxes received by
2 him in the bank or banks designated as herein provided for the
3 deposit of city moneys; and when any moneys thus deposited
4 shall become payable to the county treasurer the same shall be
5 paid by draft drawn and countersigned as herein provided for
6 drawing city money from the same banks.

7 § 282. The common council of the city may determine whether
8 the city taxes shall be payable and collected at the same time
9 with the taxes for state and county purposes, or whether they
10 shall be payable and collected at a different time, and at what
11 time in each year.

12 § 283. Every tax against any real estate shall be a first lien
13 thereon from the time of the issuing of the warrant to the treas-
14 urer for the collection thereof.

15 LOCAL IMPROVEMENTS.

16 § 294. The city assessors in making their assessments for the ex-
17 penses of local improvements upon real estate benefited thereby,
18 shall make a roll containing all of such real estate, with a descrip-
19 tion thereof and the names of the owners, so far as they can
20 ascertain the same. If they can not ascertain such names such
21 owners may be described as unknown; and they may at any time,
22 upon the application of the city treasurer, or of any person inter-
23 ested in the real estate, correct any description or name contained
24 in the roll.

25 § 295. After the assessors have completed the roll they shall
26 publish in the official newspapers of the city, for two weeks, a

1 notice that the roll has been completed, and can be seen and
2 examined at their office in business hours during that
3 time; and that during that time they will hear all persons
4 claiming to be aggrieved by the assessment, and they shall also
5 serve by mail upon each owner of property assessed, addressed to
6 said owner at his last known place of residence, a notice of the
7 assessment containing a copy of the ordinances directing the im-
8 provement, and stating also the amount of the assessment and
9 the time and place of hearing. After such hearing, which must be
10 completed within that time, they shall correct such roll, if it need
11 correction, and verify it, and then file it in the office of the city
12 clerk.

13 § 296. Any person conceiving himself aggrieved by such assess-
14 ment may, within five days after the expiration of such two weeks,
15 appeal therefrom to the board of estimate and apportionment
16 by serving a notice of appeal upon the city treasurer, and filing a
17 copy of such notice with such board. The board shall then give
18 notice by publication in the official newspapers of the city of the
19 time when the appeal will be heard; and it shall regulate the
20 course of procedure upon such appeal. After hearing the appeal
21 it may affirm, modify, and affirm as modified, the assessment,
22 or set the same aside and order a new assessment. If it shall
23 affirm the assessment as made or as modified, then it shall file the
24 assessment-roll as finally completed in the office of the city clerk.

1 § 297. After the completion of the assessment-roll by the asses-
2 sors, in case there shall be no appeal, or after the completion of the
3 roll upon the appeal as above provided, the mayor shall annex
4 to a duplicate thereof a warrant directed to the city treasurer
5 commanding him to collect the assessment therein mentioned, and
6 then the assessments shall be first liens upon the real estate
7 against which they are made.

8 § 298. The treasurer shall then publish a notice in the official
9 newspapers of the city for thirty days that he will during that
10 time, at his office, receive payment of the assessments; and all
11 assessments paid within that time shall be received by him with-
12 out any addition thereto. Upon all assessments paid within thirty
13 days thereafter, he shall collect in addition thereto the sum of two
14 per centum upon the amount thereof.

15 § 299. After any assessment for a local improvement has been
16 completed as herein provided, the common council may provide by
17 ordinance for the payment of any portion thereof in installments
18 from time to time; and by virtue of the warrant issued to him as
19 above provided, the treasurer shall collect only such installments
20 as may be due; and upon any deferred installments when the same
21 become payable he shall collect and receive, in addition to the
22 amounts due upon the assessments, interest at the rate of six per
23 centum from the date of the issuing of the warrant to him. When
24 any installment remains unpaid more than thirty days after the
25 same became payable, the treasurer shall collect and receive in
26 addition to the interest thereon the sum of five per centum thereon.

1 But at any time when an installment is due, it shall be optional with
2 the person liable to pay the assessment to pay in addition to such
3 installment, all the remaining installments with accrued interest.

4 TAX AND ASSESSMENT SALES.

5 § 308. The common council may, by ordinance direct that after
6 any city tax or any assessment for a local improvement upon real
7 estate has remained due and unpaid for at least sixty days, the
8 treasurer proceed to sell such real estate for the payment of
9 such tax, or assessment, and all percentage and interest which
10 has become payable thereon.

11 § 309. The treasurer shall immediately, after receiving such
12 direction, publish in the official newspapers of the city, for thirty
13 days, a list of the parcels of land charged with any unpaid city
14 taxes, assessments, percentages and interest, describing each
15 parcel according to the description contained in the assessment-
16 roll, with a notice that each of the parcels of land will, on a day,
17 within ten days after the expiration of the thirty days to be speci-
18 fied in the notice, be sold at public auction, at his office, to pay the
19 tax or assessment and the percentages and interest which may be
20 due thereon at the time of sale. The charge for publishing such
21 notice shall not be more than one dollar to each newspaper pub-
22 lishing the same for each parcel of land described in the notice.
23 At the time and place stated in the notice, the treasurer shall
24 commence the sale of such parcels of land, and shall continue the
25 sale from day to day, until all shall be disposed of.

1 § 310. The purchasers on such sales shall pay the amounts of
2 their respective bids to the treasurer immediately after each par-
3 cel shall be struck off. In case a purchaser shall fail thus to pay
4 the amount of his bid, the treasurer shall forthwith offer the par-
5 cel for sale again, and proceed as though it had not been struck
6 off. Should there be no bid of the amount due on any parcel of
7 land to be sold, then the treasurer shall bid in the same for the city,
8 and the city is hereby authorized to acquire such property. As
9 soon as practicable after any sale, the treasurer shall prepare and
10 execute in duplicate as to each parcel sold, a certificate of such
11 sale, the name of the purchaser, the sum paid therefor, the amount
12 due thereon at the time of sale, including the expenses of the sale,
13 and, if known, the name of the person or persons against whom the
14 tax was assessed or upon whose land the assessment was imposed,
15 and the name of the present reputed owner thereof. One of the
16 duplicates shall be delivered to the purchaser, or, in case the par-
17 cel was struck off to the city, then it shall be retained by the
18 treasurer. He shall deliver the other duplicate certificate to the
19 clerk of the county wherein the city is situated, who shall file it
20 in his office, and record it in a book to be kept for that purpose; and
21 he shall index it in the name of the person to whom the parcel was
22 assessed, the name of the reputed owner thereof, and in the name
23 of the purchaser, in the same book and manner as deeds are re-
24 quired by law to be indexed.

25 § 311. If from any cause the treasurer shall be unable to at-
26 tend at the time and place of sale, the comptroller may conduct the

1 sale with the same force and effect as though made by the treas-
2 urer.

3 § 312. The proceeds of the sale of each parcel shall be applied
4 to the payment of the expenses of the sale as herein provided, and
5 to the payment of the tax, assessment, percentage and interest for
6 which it was sold; and if there shall be any residue the treasurer
7 shall pay the same to the person entitled thereto at the time of
8 such sale; and if there be any dispute or uncertainty as to such
9 person, then such person shall be ascertained in the same manner
10 and by the same proceeding as in case of surplus on statutory
11 foreclosure of a mortgage upon real estate.

12 REDEMPTION.

13 § 322. The owner of, or any person interested in, or having a
14 lien upon any parcel of land so sold may redeem the same from
15 such sale at any time within two years, by paying to the treasurer
16 for the use of the purchaser or his assigns, or if the same shall
17 have been redeemed by any person other than the owner thereof,
18 then for the use of such person, the sum mentioned in the certifi-
19 cate as paid for the land at the sale, with interest thereon at the
20 rate of twelve per centum per annum from the day of sale, to-
21 gether with any tax, assessment or water rates upon such parcel
22 or any part thereof that the purchaser or his assigns, or the person
23 before redeeming, shall have paid between the day of sale and
24 the day of redemption, with interest at the rate of twelve per

1 centum per annum upon such tax, assessment, or water rates
2 from the time of payment.

3 § 323. At least two months before the expiration of the time
4 for the final redemption of any parcel of land so sold, the treasurer
5 shall commence the publication of a notice of redemption from
6 such sale, which shall show the year when the sale took place,
7 and the last day for the redemption of the land not already re-
8 deemed by the owners, without other or further description; and
9 such notice shall be published for six successive weeks in the offi-
10 cial newspapers of the city. The publication of such notice shall
11 bar and preclude any and all persons, except the purchaser on
12 such sale, or his heirs or assigns, or the person finally redeeming,
13 from claiming any interest in, or lien upon the land or any part
14 thereof, in case the land shall not be redeemed from such sale
15 as herein provided.

16 § 324. Written notice shall be given by the purchaser of any
17 real estate sold for taxes or assessments under the provisions of
18 this act, to the occupant, owner in fee, and mortgagee of the same
19 property, and their assigns, the record of whose title to, interest
20 in, or lien upon, such real estate shall be in the office of the county
21 clerk of the county in which the city is located, at least three
22 months before the expiration of the time for redemption as fixed
23 by this act, and the time for such redemption shall not expire until
24 three months after such notice shall have been given. Such
25 notice must be addressed to the person or persons on whom it is
26 intended to be served, must contain a brief description of the prop-

erty, the date of the tax assessment sale, the amount paid by the purchaser on such sale, and the date when the right of redemption shall expire. It must be dated and signed by the purchaser with his post-office address. The notice may be served either personally or in the manner required by law in respect to notices of nonacceptance or nonpayment of notes or bills of exchange, and a notarial certificate thereof shall be presumptive evidence of the fact; for the purpose of such notice the person notified shall be conclusively presumed to reside in the city, unless the instrument by which the person to be notified claims an interest in the property on record in the office of the county clerk, specify another place of residence, and then the place so specified shall be deemed to be his residence.

§ 325. If any parcel of land so sold shall not be redeemed as herein provided, the treasurer, immediately after the expiration of the two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the city or its assigns, or to the person finally redeeming, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee subject only to the liens, if any, of unpaid taxes, assessments or water rates thereon. The treasurer executing such conveyance shall be entitled to demand and receive from the grantee one dollar for preparing every such conveyance.

§ 326. Every such conveyance shall be acknowledged before some officer authorized to take and certify acknowledgments of deeds; and the conveyance shall be conclusive evidence that the

1 sale and subsequent proceedings were regular, and presumptive
2 evidence that all the previous proceedings were regular and ac-
3 cording to law.

4 § 327. The grantee or his assigns, or the city or its assigns, as
5 the case may be, shall be entitled to have and possess the granted
6 lands from and after the execution of such conveyance, and may
7 cause the occupants of such lands to be removed therefrom and
8 the possession thereof delivered in the same manner and by the
9 same proceeding and by and before the same officers, as in the case
10 of a tenant holding over after the expiration of his term without
11 permission of his landlord.

12 § 328. Whenever any grantee under such sale shall be unable
13 by proper legal proceedings diligently instituted, to obtain pos-
14 session of the land conveyed to him by reason of any error or ir-
15 regularity in the assessment of any person or property, or in the
16 levying of any tax or any proceeding for the collection of any tax
17 or assessment, the common council shall refund to the purchaser
18 so much of the money paid at such sale as was retained by the
19 city, with interest, the claim for such money to be audited and
20 paid as other city charges.

21 § 329. In case of the redemption of any lands sold as herein
22 provided, by the person who was the owner thereof at the time
23 of the sale, the treasurer shall give such owner a receipt for the
24 amount paid by him to effect such redemption, and on the produc-
25 tion thereof by such owner the county clerk shall cancel the cer-

1 tificate of sale by a proper entry at the foot of the record of such
2 certificate in his office.

3 § 330. All percentages, interest, charges and expenses collected
4 and received by the treasurer as herein provided, shall belong to
5 the city.

6 ARTICLE IX.

7 DEPARTMENT OF CHARITIES AND CORRECTION.

8 COMMISSIONER OF CHARITIES AND CORRECTION.

9 § 339. There shall be a commissioner of charities and cor-
10 rection appointed by the mayor, within ten days after the begin-
11 ning of every mayoralty term. He shall hold office for two years,
12 unless sooner removed by the mayor. He may appoint, to hold
13 office during his pleasure, a deputy and such other subordinates
14 as may be prescribed by the board of estimate and apportionment.

15 § 340. The commissioner of charities and correction and the
16 deputy commissioner of charities and correction shall each give
17 a bond to the city with sureties, for the faithful discharge of the
18 duties of their respective offices, in a penalty to be prescribed by
19 the common council, which bond as to its form, and the sureties
20 thereto, shall be approved by the mayor. In case of a vacancy in
21 the office of commissioner, the mayor shall fill such vacancy within
22 ten days by appointment for the remainder of the term.

23 § 341. The commissioner has the general care, management,
24 administration and supervision of the charities, alms-houses, hos-
25 pitals, houses of correction and all other similar institutions, the

1 control or government of which belongs or is intrusted to the city;
2 he shall make regulations for the expenditure of the money of the
3 city for the support or relief of the poor, and have the general
4 supervision of such expenditures, and he shall furnish to the mayor
5 a daily report of the aid and relief granted by him, with the names
6 and addresses of all recipients. He shall have such other
7 powers and duties not inconsistent with the provisions of this
8 act or the other laws of the state, as may be prescribed by the
9 ordinances of the common council.

10 § 342. The commissioner shall appoint, to hold office during his
11 pleasure, an overseer of the poor and as many assistants as may
12 be prescribed by the board of estimate and apportionment.

13 § 343. The overseer of the poor shall give a bond to the city
14 in such penalty, in such form and with such sureties as the com-
15 missioner may prescribe and approve, for the faithful discharge
16 of his duties.

17 § 344. The overseer of the poor, subject to the regulations and
18 supervision of the commissioner, shall possess all the powers and
19 authority of overseers of the poor in the several towns of the
20 county in which the city is situated, and be subject to the same
21 duties, obligations and liabilities; and he and his assistants shall
22 have the power to examine, under oath, any person applying for
23 relief.

24 § 345. The city shall continue to be the owner of all articles
25 or supplies furnished to any poor person or applicant until the
26 same are consumed. If any person to whom the same shall be

1 furnished shall sell or exchange the same for money, or intoxicat-
 2 ing liquor, or in any way dispose of the same other than in the
 3 manner directed, such conduct shall be deemed a misdemeanor.

4 § 346. Nothing contained in this article or the preceding article
 5 shall be deemed to make any city liable for the support or relief
 6 of any poor person when it is not otherwise so liable.

7 ARTICLE X.

8 JUDICIARY.

9 CITY COURT.

10 § 357. The court of civil jurisdiction in the several cities
 11 of the second class in this state is hereby continued and
 12 shall have and exercise all powers and jurisdiction heretofore
 13 conferred upon it not inconsistent with the provisions of this
 14 act, together with the jurisdiction and powers hereinafter pro-
 15 vided. Such court shall hereafter be known as the city court.
 16 There shall be two judges of the city court to be elected at the
 17 city election, and their terms of office shall be six years.

18 § 358. At the city election to be held next preceding the close
 19 of the term of a judge of the city court, the office shall be filled by
 20 election, and the person so elected shall hold office for the term
 21 of six years.

22 § 359. Whenever a vacancy shall occur in the office of judge of
 23 the city court, it shall be filled at the next city election. The
 24 person so elected shall hold office for the term of six years,
 25 provided however, that until the first day of January subse-
 26 quent to the said election, the said vacancy shall be filled by the

1 appointment of some qualified and competent person by the
2 **mayor.**

3 § 360. The mayor shall, within five days after the first
4 day of January, nineteen hundred, and every year thereafter,
5 or whenever vacancies occur in the office of marshal of the city
6 court, as herein provided, appoint as many persons as may be
7 necessary, not exceeding five, who are electors of the city,
8 marshals of the city court, who shall, in addition to
9 their other duties, be and act as attendants upon the
10 court during its sessions. The marshals so appointed
11 shall possess, in actions or proceedings, all the powers and be
12 under all the obligations and duties of constables in the towns
13 of the state, and of constables in cities as now provided. They shall
14 hold their offices for two years unless sooner removed. Every
15 marshal so appointed shall execute and file in the county clerk's
16 office, with at least two sureties, to be approved by a judge of the
17 court, a bond to the people of the state of New York, in the penal
18 sum of one thousand dollars, conditioned for the faithful dis-
19 charge of his duties, in which bond he and his sureties shall jointly
20 and severally agree to pay to every person who may be entitled
21 thereto all such sums of money as the marshal shall become liable
22 to pay on account of any execution which shall be delivered to him
23 for collection, and shall also jointly and severally agree to pay
24 every person any damage which he may sustain from or by any act
25 or thing done by the marshal, by virtue of his office. The judges
26 of the court have power to make such rules and regulations, to be

1 entered in full upon the docket of the court, concerning the attend-
2 ance and duties of the marshals as attendants upon the court as
3 they deem necessary and proper, and a violation of such rules and
4 regulations by the marshals is hereby constituted a cause for sus-
5 pension or removal from office as hereinafter provided. The fees
6 of each marshal shall be the same as are provided by law for con-
7 stables rendering similar services, and shall be paid in the same
8 manner. The marshals shall neither receive nor be entitled to
9 any salary or compensation for services rendered as court attend-
10 ants. Hereafter no constable shall be elected in any city.

11 § 361. The judges of the court have power to remove any mar-
12 shal, upon complaint as is provided by law, for the removal of a
13 constable of a town. The judges shall associate together to hear
14 and determine the complaint, and the same proceedings shall be
15 had by and before them as are provided by law to be had by and
16 before three justices of the peace of a town for the removal of a
17 constable. The judges are hereby authorized to solemnize mar-
18 riages. They shall also have power to take oaths and acknowl-
19 edgments with the same force and effect as a justice of the peace.
20 They or either of them may command the services of any marshal
21 of the city to enforce the authority of the court and to maintain the
22 peace.

23 § 362. No person shall be eligible to the office of judge of the
24 city court unless he be an elector of the city, and has been an
25 attorney of the supreme court of the state for five years.

1 § 363. The court shall be open for the transaction of business
2 each day in the year, Sundays and legal holidays excepted, and
3 shall be held by one of the judges thereof. Whenever, however,
4 the necessities of business require, the court shall be held in two
5 parts or divisions at the same time.

6 § 364. The common council of the city shall provide suitable
7 rooms, light, fuel, furniture, necessary blank books, blanks and
8 stationery, for the use of the court, and shall provide for the pay-
9 ment of the salaries of the judges and the clerks thereof, and any
10 other necessary expenses of the court.

11 § 365. The court shall have jurisdiction of the following actions
12 and proceedings, when any person a party thereto is a resident of
13 the city, whether commenced by summons, warrant, attachment
14 or other process:

15 1. An action to recover damages upon, or for breach of con-
16 tract, express or implied, other than a promise to marry, where the
17 sum claimed does not exceed one thousand dollars.

18 2. An action to recover damages for a personal injury, or an
19 injury to property, where the sum claimed does not exceed one
20 thousand dollars.

21 3. An action upon a bond, conditioned for the payment of
22 money, where the sum claimed to be due, does not exceed one
23 thousand dollars.

24 4. An action upon a surety bond, taken in the court, or by any
25 justice of the peace, where the sum claimed does not exceed one
26 thousand dollars.

1 5. An action upon a judgment rendered in the city court, or in
2 a court of a justice of the peace, or in a district court, or in a
3 justice court of a city, being a court not of record.

4 6. An action to recover one or more chattels, with or without
5 damages, for the taking, withholding or detention thereof, where
6 the value of the chattel, or of all the chattels, as stated in the
7 affidavit made on the part of the plaintiff, does not exceed one
8 thousand dollars.

9 7. To render judgment upon the confession of a defendant or
10 defendants, as prescribed in title six, chapter nineteen of the code
11 of civil procedure, where the sum confessed does not exceed one
12 thousand dollars.

13 8. In an action for damages for fraud in the sale, purchase or
14 exchange of personal property, if the damages claimed do not
15 exceed one thousand dollars.

16 9. In an action commenced by attachment, pursuant to the pro-
17 visions of article four of title two of chapter nineteen of the code
18 of civil procedure, if the debt or damages claimed do not exceed
19 one thousand dollars.

20 10. The summary proceedings, under title two of chapter
21 seventeen of the code of civil procedure, to recover possession of
22 land and to remove tenants and others therefrom where the land
23 is situated in the city.

24 11. In actions or proceedings under any statute for the enforce-
25 ment of the liens of mechanics and others, where the amount of

1 the lien does not exceed the sum of one thousand dollars, under
2 the same proceedings as are provided by law to be had in jus-
3 tices' courts.

4 12. In proceedings in cases of bastardy.

5 13. In proceedings to recover a penalty for the violation of any
6 ordinance of the city.

7 14. In any other action or civil proceeding of which justices of
8 the peace of towns now have jurisdiction.

9 15. In an action against an executor or administrator, as such,
10 where the amount of the claim is less than the sum of one thou-
11 sand dollars and the claim has been duly presented to the execu-
12 tor or administrator and rejected by him.

13 § 366. Such court cannot take cognizance of a civil action in
14 either of the following cases:

15 1. Where the title to real property comes in question, as pre-
16 scribed in title three of chapter nineteen of the code of civil pro-
17 cedure. But when such question arises, the pleadings and prac-
18 tice shall be the same as are now provided by law, for justices'
19 courts, in regard thereto.

20 2. Where the action is to recover damages for false imprison-
21 ment, libel, slander, criminal conversation, seduction or malicious
22 prosecution, or where it is brought under sections eighteen hun-
23 dred and thirty-seven, eighteen hundred and forty-three, eighteen
24 hundred and sixty-eight, nineteen hundred and two, or nineteen
25 hundred and sixty-nine of the code of civil procedure.

1 3. Where, in the matter of account, the sum total of the
 2 accounts of both parties, proved to the satisfaction of the court,
 3 exceeds two thousand dollars.

4 4. Where the action is brought against an executor or admin-
 5 istrator as such, except where the amount of the claim is less than
 6 the sum of one thousand dollars and the claim has been duly
 7 presented to the executor or administrator and rejected by him.

8 § 367. The process shall be served within the city wherein the
 9 court is situated and shall be made returnable before the court,
 10 by its proper title, and shall be substantially in the forms and
 11 returnable within the times prescribed for courts of justices of
 12 the peace, and shall be signed by a judge, clerk or deputy clerk of
 13 the court.

14 § 368. The process, service of the same, appearances, practice,
 15 pleadings and proceedings in the court and in appeals therefrom,
 16 judgments by confession, offers to compromise, fees, costs and dis-
 17 bursements shall, except as hereinafter otherwise provided, be
 18 governed by the provisions of the code of civil procedure in regard
 19 to courts of justice of the peace, including the provisions of chap-
 20 ter four hundred and fourteen of the laws of eighteen hundred
 21 and eighty-one, and the acts amendatory thereof, in relation to the
 22 service and making of verified pleadings in justices' courts. The
 23 precept, practice, pleadings and appeal in summary proceedings,
 24 shall be governed by the provisions of the code of civil procedure
 25 relating thereto, except that the petition must be filed with, and

1 the precept issued by the clerk, deputy clerk or either of the
2 judges of said court, and made returnable before the court, and
3 proceedings thereon subsequently had in said court before either
4 of the judges thereof, and upon final order made in favor of the
5 petitioner, the warrant may be issued by the clerk, deputy clerk
6 or by either of the judges of said court. Proceedings and prac-
7 tice in cases of bastardy and appeals therefrom shall be governed
8 by the provisions of the code of criminal procedure in relation
9 thereto, except that such proceedings may be held and conducted
10 by either one of the judges of the court, with the same force as if
11 two magistrates were present. The judges may, from time to
12 time, make, alter and amend rules of practice, not inconsistent
13 with the provisions of law. Such rules, or alterations or amend-
14 ments shall not take effect, however, until a copy thereof signed
15 by both of the judges of the court, and endorsed with the ap-
16 proval of a justice of the supreme court, shall have
17 been filed in the office of the clerk of the county, and
18 until such copy, with the endorsement, shall have been
19 published at least once in the official newspapers of the
20 city. The appearance of an attorney and counsellor-at-law
21 of the supreme court of this state, on behalf of any party to any
22 action or proceeding pending in the city court, may be made by
23 filing with the clerk of the court a notice of appearance, and shall
24 have the same force as if such appearance had been made in a pro-
25 ceeding pending in the supreme court, and the judge before
26 whom a trial is had shall have the power to grant a new trial of

1 the action or proceeding, for any of the reasons specified in sec-
2 tion nine hundred and ninety-nine of the code of civil procedure,
3 upon such terms as may be just. It or the judges thereof may also
4 entertain motions and make orders in any action or proceeding
5 of which it has or has had jurisdiction, in the same manner as
6 may be done in the supreme court. The court shall have power
7 to open defaults and to set aside judgments entered thereon;
8 and pending an application for such purpose to stay execution
9 issued thereon. The filing of a transcript of the judgment in the
10 county clerk's office shall not prevent the court from exercis-
11 ing said power, and in an action tried by a jury to direct a ver-
12 dict. Any action or proceeding pending in said court may be
13 discontinued by filing with the clerk of said court a stipulation
14 to that effect signed by the parties or their attorneys, and by pay-
15 ing said clerk all the fees of said court, including the mar-
16 shal's fees. If notice of a motion or of any proceeding before the
17 court or a judge thereof be necessary, it shall be served upon the
18 party, or his attorney, at least five days before the time appointed
19 for the hearing, unless the court or a judge thereof, upon an
20 affidavit showing grounds therefor, makes an order to show cause
21 why the relief asked for should not be granted and in the order
22 directs that service thereof less than five days before it is return-
23 able be sufficient. A motion for a new trial upon the minutes in
24 a case tried by a jury must be made at the close of the trial.
25 Judgment upon the trial of an action on the merits before a judge
26 without a jury must be rendered within ten days after the same

1 has been finally submitted. Every action and proceeding brought
2 in the court shall be called at the time specified in the mandate or
3 process by which it is commenced, or as soon thereafter as the
4 business of the court will permit, and section twenty-eight hun-
5 dred and ninety-three of the code of civil procedure shall not
6 apply to such action or proceeding.

7 § 369. All the powers now given by law to justices of the peace
8 of towns, to issue executions, or to give transcripts are hereby
9 given to the judges, clerk or deputy clerk of the court.

10 § 370. A judgment of the court shall be, in all respects, the same
11 as a judgment rendered by a justice of the peace of towns, and all
12 provisions of the code of civil procedure in relation to filing tran-
13 scripts of such judgments, and docketing the same, in the office
14 of the clerk of the county in which the city is located, or of any
15 other county, shall in all respects be the same as if the judgment
16 was recovered before a justice of the peace of a town. But such
17 judgment shall be a lien, and remain in force for the same length
18 of time as a judgment originally recovered in the county court.

19 § 371. The court may, in its discretion, grant one or more
20 adjournments of the trial of an action, or the hearing of a motion,
21 or other proceeding, for such times and upon such terms as it may
22 deem just, unless the defendant has been arrested, in which case
23 no adjournment shall be made without his consent. Any action
24 or special proceeding may be adjourned after issue has been
25 joined by a stipulation signed by the parties or their attorneys
26 and filed with the clerk of the court.

§ 372. There shall be paid to the clerk or deputy clerk of the court, the following sums only as court fees in a civil action: Upon the issuing of a summons, one dollar; upon the return day, if judgment is to be taken by default, or if issue be joined: (1) If such judgment be rendered, or the amount demanded in the complaint be for a sum less than twenty-five dollars, twenty-five cents; (2) if such judgment be rendered or the amount demanded in the complaint be for the sum of twenty-five dollars or over, fifty cents; for the trial of an action by the court, if issue be joined, seventy-five cents; for the trial of an action by a jury, one dollar and twenty-five cents; for each transcript for making a return upon an appeal from a judgment, or order, two dollars, and in addition thereto there shall be paid, before the return is filed with the appellate court, six cents for each folio of one hundred words contained in the return in excess of fifty folios. In summary or special proceeding, including bastardy proceedings, the fees shall be the same as are now allowed by law to justices of the peace. The clerk or deputy clerk shall require the prepayment of such fees; provided, however, if any person shall satisfy one of the judges, by affidavit, which affidavit must be in writing and filed with the court, that he has a good and meritorious cause of action for a money claim against another within the jurisdiction of the court, and that he has made a personal demand for the payment

1 thereof of the debtor, and that such payment has been refused;
2 and shall therein also state the name and residence of the debtor,
3 and the amount due over and above all legal set-off, and that the
4 applicant is unable to pay the fees therefor, the judge to whom
5 such affidavit is presented may, in his discretion, endorse on such
6 affidavit directions to the clerk or deputy clerk to issue the proper
7 process, returnable before the other judge, without charging for
8 court fees; but the applicant in such case shall pay in advance the
9 fees of the marshal for serving such process. All fees paid into
10 the court or included in any judgment rendered therein, except
11 marshal, jury and witness fees, shall belong to the city, and no
12 such judgment shall be satisfied until the fees are paid into the
13 court. Fees prepaid by either party, recovered by any judge
14 in his favor and paid into the court, shall be refunded to
15 him.

16 § 373. In all civil actions and proceedings in the court the suc-
17 cessful party shall tax and recover all fees paid by him, or which
18 he will necessarily incur. In addition thereto there shall be
19 allowed to a party in case he has appeared by an attorney of the
20 supreme court, and not otherwise, the following sums as costs:

21 1. For all proceedings before trial, including judgment for
22 plaintiff upon default, in case the amount of recovery be thirty
23 dollars or less, to the plaintiff, ten per centum of such amount; in
24 case the recovery be more than thirty dollars and not more than
25 two hundred and fifty dollars, five dollars; in case the recovery

1 be more than two hundred and fifty dollars and not more than five
2 hundred dollars, seven dollars; in case the recovery be more than
3 five hundred dollars and not more than seven hundred and fifty
4 dollars, ten dollars; in all other cases, twelve dollars.

5 2. If judgment be for plaintiff, otherwise than upon default, an
6 additional sum equal to ten per centum of the recovery not
7 exceeding twenty-five dollars.

8 3. If the plaintiff recover judgment in an action for the recovery
9 of one or more chattels, the foregoing sum allowed as additional
10 costs shall be estimated upon the value of such chattels as
11 assessed by the court or jury.

12 4. If judgment be rendered for the defendant, by default, to the
13 defendant, in a case where the amount demanded in the com-
14 plaint is thirty dollars or less, ten per centum of such amount; in
15 a case where the amount demanded in the complaint is more than
16 thirty dollars and not more than two hundred and fifty dollars,
17 five dollars; in a case where the amount demanded in the com-
18 plaint is more than two hundred and fifty dollars and not more
19 than five hundred dollars, seven dollars; in a case where the
20 amount demanded in the complaint is more than five hundred
21 dollars and not more than seven hundred and fifty dollars, ten
22 dollars; in a case where the amount demanded in the complaint
23 is more than seven hundred and fifty dollars, twelve dollars;
24 and where there is no complaint, three dollars.

1 5. If judgment be rendered for the defendant, after trial, to
2 the defendant, ten per centum upon the amount claimed in the
3 complaint, not exceeding twenty-five dollars.

4 6. A defendant who recovers judgment upon a counterclaim
5 for a sum greater than that claimed by plaintiff, shall be allowed
6 ten per centum on the amount so recovered, not exceeding twenty-
7 five dollars; and in such case he shall be allowed no other costs
8 except his disbursements.

9 7. No costs or fees shall be allowed and recovered in an action
10 brought upon a judgment of the court, unless such action be
11 brought more than five years after the recovery of the judgment
12 sued on.

13 8. Costs, upon a motion in any action or proceeding, not ex-
14 ceeding three dollars, may be awarded either absolutely or to
15 abide the event of the action or proceeding, to any party, in the dis-
16 cretion of the court or judge. Such costs, or costs awarded under
17 section three hundred and seventy-five of this act, may be in-
18 cluded in the final judgment, or if not so included, may be en-
19 forced in accordance with the provisions of section seven hundred
20 and seventy-nine of the code of civil procedure.

21 § 374. Any judge holding the court while in session, shall have
22 the same powers to preserve order and to punish for contempts
23 committed in his presence as are possessed by judges of courts
24 of record; provided, however, that an appeal may be taken from
25 an order adjudging a person in contempt to the county court in
26 the same manner as an appeal from a judgment. Pending the

1 determination of such appeal the person adjudged in contempt,
2 if he shall be imprisoned, may be admitted to bail by any judge of
3 the court, or of the county court, in such an amount and by an
4 undertaking in such form and terms, and with such sureties as
5 shall be approved by the judge.

6 § 375. Appeals may be taken from any judgment rendered in
7 the court to the county court of the county in which the city is
8 located, in the same manner and with like effect as appeals are
9 taken from judgments obtained in justices' courts, except as
10 otherwise provided herein. An appeal may also be taken to the
11 same court from an order granting a motion for a new trial. Such
12 appeal must be taken within ten days after service of the order
13 appealed from and notice of the entry thereof. It shall be taken
14 in the same manner as an appeal from a judgment, and all sub-
15 sequent proceedings therein shall be conducted as near as may
16 be in like manner as in such an appeal. The appellate court
17 may grant costs, not exceeding ten dollars, to the successful party
18 on such appeal. The order of the appellate court shall be re-
19 mitted to the city court to be enforced. For the purpose of an
20 appeal to the supreme court, the order of the county court made
21 on appeal from an order, shall be deemed an order of the county
22 court, except that the order or judgment made in the supreme
23 court shall be certified and remitted to the city court to be en-
24 forced. Upon an appeal from a judgment, the appellate court
25 upon its reversal may, in its discretion, order a new trial before

1 either of the judges of the city court, at a time designated, and in
2 such case the costs of the appeal shall be in the discretion of the
3 appellate court, and any and all costs may be by it directed to
4 be included in any subsequent judgment in the same action in
5 the same court. Any decision or opinion in writing filed by a
6 judge of the court shall, upon appeal, be returned as a part of the
7 record of the proceedings. Costs required to be paid to perfect an
8 appeal under section three thousand and forty-seven of the code of
9 civil procedure, shall not include the costs awarded a party
10 under section three hundred and seventy-three of this article; but
11 upon judgment affirming the judgment appealed from, or upon
12 the plaintiff or defendant being entitled to recover costs upon a
13 new trial had in the appellate court, such costs may be included
14 therein, except that the per centum allowed under subdivision
15 two, three, five and six of section three hundred and seventy-three
16 of this article, shall be computed upon the amount of damages
17 awarded, or the value of the chattels recovered, in the judgment
18 of the appellate court.

19 § 376. The court shall have a clerk, and such other assistants
20 as the board of estimate and apportionment may prescribe, to be
21 appointed by the judges, such appointment to be in
22 writing and filed with the clerk of the county in which
23 the city is located. The clerk and deputy clerk, if there
24 be one, shall hold office during the pleasure of the judges, and
25 shall each give a bond to the city for the faithful performance

1 of the duties of their respective offices, in such form and for such
2 sum, and with such sureties as shall be approved by the
3 judges, and file the same with the comptroller of the city. It
4 shall be the duty of the clerk to keep in the docket of the court
5 a complete and accurate record of all processes issued by and re-
6 turned to the court, and of all proceedings in any action or pro-
7 ceeding brought in the court, and to enter therein the judgment
8 and decision of the court; and the docket shall be evidence in the
9 courts of this state the same as the docket of the court of a justice
10 of the peace. The clerk may make and certify, in the form pro-
11 vided by law for clerks of courts of record of this state, copies of
12 the entries in the docket and of all papers filed in the court, and
13 he shall have power to take oaths and acknowledgments, the
14 same as a justice of the peace. He shall keep an accurate account
15 of the fees received, from whom received and the time of receiving
16 the same, and at the end of each month shall deposit the amount
17 thereof with the city treasurer, together with a detailed statement
18 of the items thereof, which statement shall be verified by him.
19 It shall also be his duty, whenever required by either of the
20 judges, to take stenographic notes of any trial had in the court,
21 for his use. He shall have power, in the absence of the judges,
22 to adjourn an action or proceeding returnable or pending before
23 the court, for a period not longer than eight days at a time.

24 § 377. In the absence or inability of a police justice, or in case
25 of a vacancy in his office, either of the city judges shall perform

1 the duties of such police justice upon written designation of the
2 mayor, to be filed and recorded in the police court.

3 § 378. Whenever any action pending in said court shall have
4 been commenced by the actual service of process, or where the
5 defendant shall have appeared in the action, either party may
6 take the testimony of any witness who is about to leave the
7 county or any county adjoining the said county in which said
8 action is pending, and who will be absent when the testimony is
9 required, taken conditionally, to be used in the trial of such ac-
10 tion, and to be taken in the manner provided for in an action
11 pending in the supreme court.

12 § 379. At the time when issue of fact is joined in an action
13 in the city court either party may demand a trial by jury and
14 unless so demanded at the joining of issue a trial jury is waived.
15 When a trial by jury is demanded as above provided, the judge
16 of the said court at the time presiding in the court, must forth-
17 with openly withdraw such number of ballots as he deems neces-
18 sary, from the box or other receptacle, containing the names of
19 the persons who are returned as jurors of the city, as provided
20 by law, for the purpose of trying the issues joined as above
21 stated at a time to which the cause in which issue has been joined
22 shall be adjourned. But such adjournment shall not be for a
23 longer period than eight days from the joinder of issue, unless
24 the parties consent to a longer adjournment, which consent shall
25 be entered in the minutes of the court. Before drawing such
26 ballots they shall be thoroughly mingled in the box or receptacle

1 containing them. Thereafter, except as herein otherwise pro-
 2 vided and so far as consistent with this act, the provisions of
 3 sections twenty-nine hundred and ninety-two, twenty-nine hun-
 4 dred and ninety-three, twenty-nine hundred and ninety-four,
 5 twenty-nine hundred and ninety-five, twenty-nine hundred and
 6 ninety-six, twenty-nine hundred and ninety-seven, twenty-nine
 7 hundred and ninety-eight, three thousand and six, three thousand
 8 and seven, three thousand and eight and three thousand and nine
 9 of the code of civil procedure, shall govern the further proceed-
 10 ings upon the issue joined as above provided. The judges of the
 11 said court have the powers and duties conferred and imposed
 12 upon justices of the peace under those sections. The venire must
 13 be issued to the city marshal who shall have all the powers and
 14 duties of constable under those sections. Jurors in the city court
 15 shall receive the same compensation as jurors in justices court
 16 held by the justices of the peace.

17 § 380. All actions and proceedings pending in the city court
 18 of Albany, the justices' court of Troy, the municipal court of the
 19 city of Syracuse, and the municipal court of the city of Rochester,
 20 at the time this act takes effect, shall be transferred to the city
 21 courts of the cities, respectively, for hearing and determination,
 22 and shall be heard and determined therein the same as if such
 23 actions and proceedings had originally been brought therein.

24 § 381. The justices of the city court of Albany, the justices of the
 25 justice court of Troy, the judges of the municipal court of the city

1 of Syracuse, and the judges of the municipal court of the city of
2 Rochester, are continued in office until the expiration of their
3 several terms of office. And they shall be the judges of the city
4 court of their respective cities. At the city election held next
5 preceding the expiration of the term of office first expiring the
6 office shall be filled by election; but if any term shall expire with
7 the year at which a municipal election is not held, the judge or
8 justice whose term is about to expire, shall hold office for one
9 year, and until at the next municipal election a successor is
10 chosen.

11 POLICE COURT.

12 § 390. There shall be a court of criminal jurisdiction, to be
13 known as the "police court," with the jurisdiction and powers
14 hereinafter provided. There shall be one or more justices of
15 the court, as the common council may ordain.

16 § 391. At the city election the office shall be filled by election.

17 § 392. Whenever a vacancy shall occur in the office of police
18 justice it shall be filled at the next city election, and the
19 person elected shall hold office for the term of six years, pro-
20 vided however, that until the first day of January, subsequent to
21 the said election, the said vacancy shall be filled by the ap-
22 pointment of some qualified and competent person, by the mayor.

23 § 393. No person shall be eligible to the office of police justice
24 unless he be an elector, and has been an attorney of the supreme
25 court of the state for five years.

1 § 394. Subject to the power of removal provided by sections
2 fifty-seven and fifty-eight of the code of criminal procedure, a
3 police justice shall, in the first instance, have exclusive jurisdic-
4 tion to try and determine all offenses triable in courts of special
5 sessions, and shall have the powers and jurisdiction conferred
6 upon such courts by section fifty-six of the code of criminal
7 procedure.

8 § 395. Every police justice shall also have power to try the
9 following offenses committed within his jurisdiction, namely,
10 cases of malicious mischief or injury; all offenses against public
11 decency; selling unwholesome provisions; breaches of the peace;
12 all violations of the laws and ordinances of the city, and of the
13 board of health thereof, and all other offenses of the grade of
14 misdemeanor under the laws of the state.

15 § 396. Every police justice shall also possess the powers and
16 perform the duties of justices of the peace of towns in cases of
17 bastardy. Such proceedings shall be governed by the provisions
18 of the code of criminal procedure except that they may be held
19 and conducted before either one of the justices with the same
20 force as if two magistrates were present.

21 § 397. It shall be the duty of the police justice, or of one of
22 them, if there be more than one, to be present at the police court
23 rooms at least six hours each day, Sundays and legal holidays
24 excepted, for the transaction of business, unless necessarily de-
25 tained therefrom by sickness or unavoidable accident.

1 § 398. The police justice or justices shall have such clerical
2 assistance as the common council may by ordinance prescribe,
3 and shall pay into the city treasury once in each week all fees,
4 penalties and other moneys received, and shall cause an item-
5 ized account of the same to be published in the official newspapers.

6 § 399. Whenever a list is made by the proper officer or officers
7 of the persons who are required to serve as jurors in the courts
8 of record to be held in the county in which the city is situated, a
9 duplicate of such list shall be filed by such officer or officers with
10 the city clerk. The clerk shall immediately make two copies from
11 such list of all the names of jurors therein who are residents of
12 the city, and file one of such copies in the city court and one in
13 the police court.

14 § 400. In the police court at the time of interposing any plea
15 which forms an issue of fact, the defendant may demand a trial
16 by jury, and unless so demanded then a trial by jury is waived.

17 § 401. When a trial by jury is duly demanded as above pro-
18 vided, the police justice at the time presiding in the court
19 must forthwith openly draw such number of ballots as he
20 deems necessary from a box, or other receptacle, containing the
21 names of the persons who are returned as jurors of the city for
22 the courts of record of the county upon the last list thereof filed
23 in such court by the city clerk, as above provided, as jurors to
24 attend for the purpose of trying the issues joined as above stated
25 at a time to which the cause in which issue has been joined shall
26 then be adjourned by him, not more than eight days from the

1 joining of issue, unless the parties consent to a longer adjourn-
2 ment, which consent shall be entered in the minutes of the court.
3 Before drawing such ballots they shall be thoroughly mingled in
4 the box or receptacle containing them. Thereafter, except as
5 herein otherwise provided, and so far as consistent with this
6 act, the provisions of sections twenty-nine hundred and ninety-
7 two, twenty-nine hundred and ninety-three, twenty-nine hundred
8 and ninety-four, twenty-nine hundred and ninety-five, twenty-
9 nine hundred and ninety-six, twenty-nine hundred and ninety-
10 seven, twenty-nine hundred and ninety-eight, twenty-nine hun-
11 dred and ninety-nine, three thousand and six, three thousand and
12 seven, three thousand and eight and three thousand and nine
13 of the code of civil procedure shall govern the further proceed-
14 ings upon the issue joined as above provided. The police
15 justice has the powers and duties conferred and imposed
16 upon justices of the peace under those sections. The venire
17 must be issued in criminal cases to a police officer, who shall
18 have all the powers and duties of constables under those sections.
19 § 402. Jurors in the city court shall receive the same compensa-
20 tion as jurors in justices' courts held by justices of the peace.

21 § 403. The police justices of the cities of Syracuse, Albany and
22 Rochester shall continue in office under the powers, provisions
23 and restrictions of this act until the expiration of the term for
24 which they were elected.

ARTICLE XIV.

DEPARTMENT OF LAW.

§ 413. There shall be a corporation counsel appointed by the mayor, who shall hold his office during the pleasure of the mayor appointing him, and he shall be the head of the department of law. He shall, by a certificate in writing, to be filed with the city clerk, appoint an assistant, a clerk and such other subordinates as the board of estimate and apportionment may prescribe, who shall hold their respective offices during his pleasure, and they shall discharge such duties appertaining to their offices as he may direct.

§ 414. The salaries of the corporation counsel, his assistant, clerk and other subordinates shall be fixed by the board of estimate and apportionment and they shall receive no fees or other compensation of any kind whatever, except that the corporation counsel may receive to his own use the costs of suits, as hereinafter provided. But all costs, allowances and disbursements in proceedings for the opening of streets, and the acquirement of land by condemnation proceedings, shall be collected and paid over to the city treasurer.

§ 415. The corporation counsel shall execute a bond to the city, in the penalty of five thousand dollars, which, as to its form, penalty and sureties, shall be approved by the mayor.

§ 416. He shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by

1 and against it or any city officer, board or department; and such
2 officers, boards or departments shall not employ other counsel.

3 § 417. No written contract providing for the payment of two
4 hundred dollars or more, entered into by the city or any of its offi-
5 cers, boards or departments shall be acted under until there shall
6 be endorsed thereon by the corporation counsel or his assistant,
7 a certificate to the effect that the city officer, board or department
8 which has executed the same on behalf of the city, had authority
9 and power to make such contract, and that such contract is in
10 proper form and properly executed; and he shall attend to all the
11 law business of the city, and discharge such other duties as may be
12 prescribed in the ordinances of the common council.

13 § 418. He shall be entitled in actions and proceedings in which
14 the city shall be successful to receive to his own use all costs and
15 allowances which shall be collected from the adverse party; but
16 he shall repay to the city treasurer all amounts disbursed in the
17 progress of such actions and proceedings, which were taxable as
18 disbursements therein, and which shall have been paid by the city
19 treasurer, whenever and as soon as such amounts are collected.

20 § 419. He shall pay over at once to the city treasurer all moneys
21 collected by him for or on behalf of the city, including fines and
22 penalties; and he shall annually, on the first Tuesday of February,
23 file with the mayor of the city an inventory of all the books and
24 property belonging to the city in his custody.

25 § 420. He shall, whenever he considers that the best interests
26 of the city will be subserved thereby, enter into an agreement, in

1 writing, subject to the written approval of the board of estimate
2 and apportionment, to compromise and settle any claim against
3 the city, which agreement shall be reported to the common coun-
4 cil at its next meeting, and be and constitute a valid obligation
5 against the city; and the amount therein provided to be paid shall,
6 with interest thereon at six per centum from its date, be included
7 in the next city tax budget, and when raised by tax be paid to the
8 claimant. If, however, before the adoption of the city tax budget
9 there shall be received by the city treasurer from any source, any
10 moneys not otherwise appropriated, the amount in the agreement
11 provided to be paid shall be paid out of such moneys so received
12 so far as they will satisfy the same.

13 § 421. The corporation counsel, with the written consent of the
14 mayor, may employ counsel at such compensation as may be
15 agreed upon by the board of estimate and apportionment, to assist
16 him in the argument and conduct of important cases or proceedings
17 in which the city is interested or a party.

18 § 422. The amount of any judgment recovered against the city,
19 and payable by it remaining unpaid, with the interest due thereon,
20 in case no appeal is intended to be taken, or in case such judgment
21 is finally affirmed on an appeal taken, shall be reported by the cor-
22 poration counsel immediately after the same shall have become
23 payable to the common council; and such amount shall be raised in
24 the next levy of taxes for the expenses of the city, unless execution
25 upon such judgment shall be stayed. Such judgments shall be
26 paid out of the first moneys paid into the city treasury on account

1 of such levy, in the order of their recovery. Until the money so
 2 raised shall be paid into the treasury and payment of judgments
 3 refused, no execution shall issue against the city, unless the
 4 amount of such judgments shall not have been included in the tax
 5 levy; provided, nevertheless, if there be any moneys in the treas-
 6 ury to the credit of a fund derived from the revenues of the city
 7 other than taxation not otherwise appropriated sufficient to sat-
 8 isfy such judgments, the common council shall direct the payment
 9 therefrom of such judgments in the order of their recovery.

10 ARTICLE XV.

11 SUPERVISORS.

12 § 432. There shall be elected at the first election under this
 13 act, and at the city election every two years thereafter, one
 14 supervisor from each of the wards of the city who shall have been
 15 a resident in such ward for at least five months prior to such elec-
 16 tion, and who shall hold his office for two years. Such supervisors
 17 shall have the powers and be under the duties of supervisors of
 18 towns under general laws of the state so far as they are consistent
 19 with the provisions of this act; and such laws, so far as they are
 20 applicable, shall regulate such powers and duties.

21 ARTICLE XVI.

22 SEALER OF WEIGHTS AND MEASURES.

23 § 442. There shall be a sealer of weights and measures ap-
 24 pointed by the mayor within ten days after the beginning of
 25 every mayoralty term. He shall hold office for two years, unless

1 sooner removed by the mayor, and shall, within the city, have the
2 powers and perform the duties of town sealers of weights and
3 measures under the general laws of the state and he shall have no
4 pay except the fees authorized by law.

5 ARTICLE XVII.

6 MISCELLANEOUS PROVISIONS.

7 § 452. No officer of any city government, except corporation
8 counsel, city marshal, commissioners of deeds and city officers
9 acting as commissioners of deeds, shall have or receive to his use
10 any perquisites, compensation or fees for services pertaining
11 directly or indirectly, or which may hereafter be added to the
12 duties of his office, in addition to his salary. The compensation
13 of all the officers, clerks and subordinates in the several depart-
14 ments shall not exceed in the aggregate the appropriation made
15 by the board of estimate and apportionment for the purpose.

16 § 453. No additional allowance, beyond the legal claim which
17 exists under any contract with the corporation, or for any ser-
18 vices on its account or in its employment, shall be made.

19 § 454. No bid shall be accepted from, or contract awarded to
20 any person who is then as principal or surety in default to the
21 city upon debt, contract or obligation.

22 § 455. No member of the common council, or other city officer,
23 shall be interested directly or indirectly, in any contract in which
24 the city is a party, either as principal or surety in such contract;
25 nor shall any member of the common council, city officer, or

1 salaried employe thereof, or his partner, or any agent, servant or
2 employe of such member, or officer, or of the firm of which he is
3 a partner, purchase from or sell to the city, or any officer thereof,
4 any real or personal property for the use of the city, or any
5 board or officer thereof, or be interested, directly or indirectly,
6 in any work to be performed for, or services rendered to or for it,
7 or in any sale to or from said city, or to its officers, or any person
8 in its behalf; and any contract made in violation of any of these
9 provisions shall be void. No officer, or employe of the city shall
10 be eligible to or hold the office of inspector of elections, poll-clerk
11 or ballot-clerk; but the fact that a person is a commissioner of
12 deeds shall not disqualify him from holding such office.

13 § 456. In addition to the officers required by this act to give
14 bonds, the common council may require any other officer or per-
15 son who is or may be appointed under the provisions of this act
16 to give like bonds with such sureties as it may approve, and
17 conditioned as it may direct; and it may, whenever it may be
18 proper, require additional or further security of any officer or
19 person after the giving of the bond first required.

20 § 457. Except as otherwise provided by law no person elected
21 or appointed to any office under the provisions of this act shall
22 enter upon the discharge of his duties until the bond, if any,
23 required to be given by him shall have been approved.

24 § 458. No person shall, at the same time, hold more than one
25 of the offices created or authorized by this act, but this provision

1 does not apply to the offices of notary public and commissioner of
2 deeds.

3 § 459. No person shall have power to make any purchase or
4 contract any debt on the part of the city, unless especially author-
5 ized by the provisions of this act.

6 § 460. Upon the trial of any issue, or upon the taking
7 or making of any inquisition, appraisal or award, or
8 upon the judicial investigation of any facts whatever,
9 to which issue, inquest or investigation the city is a party,
10 or in which the city may in any way be interested, no person
11 shall be deemed an incompetent judge, referee, commissioner,
12 witness or juror by reason of his being an inhabitant, freeholder
13 or taxpayer of the city.

14 § 461. The city shall not be liable for injuries sustained by any
15 person in consequence of any street, highway, bridge, culvert,
16 sidewalk or crosswalk being defective, out of repair, unsafe or
17 dangerous, or obstructed by snow or ice, or in any way or manner,
18 in the absence of actual notice of the defective, unsafe, dangerous
19 or obstructed condition of such street, highway, bridge, culvert,
20 sidewalk or crosswalk to the commissioner of public works, unless
21 such defective, unsafe, dangerous or obstructed condition shall
22 have existed at least forty-eight hours previous to such damage
23 or injury. All claims against the city for damages for injuries
24 to person or property, claimed to have been caused by the mis-
25 feasance or negligence of the city, or any of its officers or employes,
26 shall be presented to the common council in writing, within three

1 months after such injuries. Such writing shall describe the time,
2 place, cause and extent of the injuries, so far as then practicable,
3 verified by the oath of the claimant. The omission to present
4 such claims within three months, or to commence an action
5 thereon within one year, shall be a bar to any claim or action
6 therefor against the city. Nothing contained in this section shall
7 be held to repeal or qualify any existing requirement or statute
8 of limitation which is applicable to this class of actions, but on
9 the contrary shall be held to be an additional requirement to the
10 right to maintain such action. The place of trial of all actions
11 against the city shall be the county in which the city is situated.

12 § 462. The several heads of departments shall present to the
13 mayor, annually, on or before the first Monday of November, a
14 report of their proceedings during the preceding year, and he
15 shall transmit the same to the common council with any recom-
16 mendations he may think proper to make. But nothing in this
17 section contained shall be so construed as to relieve such heads
18 of departments from furnishing information required by the
19 mayor at any other time.

20 § 463. Charges against any city officer may be of disability
21 for service, in which case the examination shall be one of inquiry,
22 and the decision may be for honorable discharge from service;
23 or of neglect, or violation of law or duty, inefficiency, intemper-
24 ance, disobedience of orders, or unbecoming official or personal

1 conduct, in which case the examination shall be a trial, and the
2 offender may be punished as in this act provided.

3 § 464. No witness shall be excused from testifying in any crim-
4 inal proceeding or in any investigation or inquiry before the com-
5 mon council or any committee thereof, or before any officer of the
6 city having the right to conduct the investigation, touching his
7 knowledge of any offense committed against the provisions of this
8 act or any of the ordinances of the city; but such testimony shall
9 not be used against him in any criminal prosecution whatever.

10 § 465. No assessment that may hereafter be levied shall be
11 void or shall be vacated by any court because of a failure on the
12 part of the contractor to comply in the execution of the work with
13 all the requirements of law or the contract in respect thereto;
14 provided that if any taxpayer or any owner of property liable to
15 be assessed therefor shall make an affidavit during the progress of
16 any work to the effect that such work is not done or not being done
17 according to law or the contract, specifying in what respects it
18 does not comply therewith, and shall file such affidavit with the
19 commissioner of public works and deliver a copy thereof to the
20 contractor, his agent or either of the sureties on his bond, and
21 shall, within twenty days after the confirmation of the assess-
22 ment, take the proceedings mentioned in the next section,
23 the court may stay the payment to the contractor of any
24 money under his contract; and if it shall appear on the hear-
25 ing in such proceeding that the defects stated in such affidavit

1 exist, the court shall order that the amount assessed shall not be
2 paid to the contractor and shall not be forced by the city until
3 such work shall be done in accordance with law and the con-
4 tract therefor, and no interest shall be charged upon the assess-
5 ment during the time that the payment thereof shall be stayed,
6 provided that the court shall finally decide that the defects charged
7 existed and were of a substantial nature. Whenever it shall in
8 any way appear to the court that manifest injustice or damage
9 has been done to the city or any person or property assessed by
10 reason of a failure to comply with the contract relating to any
11 work, the court may, if it be before sale and before the contractor
12 shall have been paid the sum provided by his contract to be paid
13 to him, reduce the amount of the assessment or allowance in such
14 amount as will enable the owner or the city, as the case may be, to
15 have the work done in accordance with the contract; and if after
16 sale or after the contractor shall have been paid, the court shall
17 grant judgment for the damages against the contractor and his
18 sureties as hereinafter provided, the contractor and the sureties
19 on his bond and their legal representatives, or such of them as can
20 be served with process or notice, shall be made parties to any
21 proceeding for that purpose, and shall be therein adjudged to be
22 liable to the party injured or the city, as the case may be, for the
23 amount in which any assessment or allowance shall be reduced,
24 if it appears that the contractor was in fault in the premises.
25 If the city was in fault it shall be adjudged to be liable to the party
26 injured for such amount.

1 § 466. If, in the proceedings relative to any assessment or
2 assessments for local improvements in the city, or in the proceed-
3 ings to collect the same, any fraud or defect in the work, or sub-
4 stantial error, shall be alleged to exist or have been committed,
5 the party aggrieved thereby may, within twenty days after the
6 completion of the assessment, apply to have the assessment
7 vacated or reduced, to a judge of the supreme court, at special
8 term or at chambers, or to the county judge, who shall thereupon,
9 upon due notice to the corporation counsel, and to the contractor
10 and his sureties, or any other person, if they, or either of them, be
11 proper parties, proceed forthwith to hear the proofs and allega-
12 tions of the parties.


13 § 467. If after such hearing it shall be finally decided that the
14 alleged fraud or defect in the work, or substantial error,
15 exists or has been committed, the assessment shall be vacated
16 except as herein otherwise provided, and the lien created thereby
17 or by any subsequent proceeding shall, except as herein otherwise
18 provided, cease; and no suit or action in the nature of a bill in
19 equity or otherwise shall be commenced to vacate any assess-
20 ment in the city or to remove a cloud upon title arising from any
21 assessment hereinafter made. In case the assessment shall not
22 be vacated, the assessment may be reduced or judgment may be
23 given as herein provided. Owners of property shall, in pro-
24 ceedings to reduce or vacate or stay payment of assessments, be
25 confined to the form of proceeding in this article mentioned. The

1 court may, in a proper case in proceedings under this article,
2 direct that any issue or issues of fact be tried before a jury.

3 § 468. It is further provided that no assessment that may be
4 hereafter made shall be void or shall be vacated; nor the sale of
5 property therefor be declared illegal, or the deed or certificate
6 of conveyance therefor be adjudged invalid or illegal, or any
7 moneys paid on account of or because of such assessment be re-
8 covered back or refunded because of any error, illegality or irregu-
9 larity in any of the proceedings in relation to the work or improve-
10 ment for which such assessment was made prior to the com-
11 mencement of the work, including the letting of the contract for
12 the work, unless the party objecting thereto shall have filed his
13 objection or objections with the board of estimate and apportion-
14 ment within ten days after the letting of the contract for said
15 work, stating the error, illegality or irregularity complained of,
16 together with his address; the board shall thereupon give the
17 person or persons filing such objection or objections, together
18 with the contractor to whom the contract to do the work was let,
19 and the commissioner of public works a hearing, and the decision
20 of the board shall be final and conclusive, unless within ten days
21 after such decision, the party or parties filing such objection or the
22 contractor or the city shall commence proceedings to review the
23 same; and in the event that the proceedings, or any of them, in-
24 cluding the letting of the contract, be adjudged illegal, the con-

1 tract for doing the work shall be and become null and void and
2 in no respect binding upon the city.

3 § 469. When proceedings are taken because the work has not
4 been done according to law, or the assessment is reduced because
5 the work has not been done according to law, or contract, and a
6 certificate of indebtedness for such work or any part thereof
7 shall have been issued, or payments for such work or any part
8 thereof shall have been made, and no objection shall have been
9 filed prior to the issuing of such certificate or payment, the court
10 shall not reduce the assessment below the amount of the certifi-
11 cate issued or payments made and the interest due thereon.
12 Whenever an assessment for any public work or improvement,
13 hereafter made, shall be vacated or set aside under the provisions
14 of this article, the assessors shall forthwith proceed to make a
15 new apportionment and assessment for the same, with interest
16 thereon, or for such amount as the court shall by its judgment
17 direct.

18 § 470. Either party may appeal from the final decision 
19 court, or a judge thereof, upon any proceedings taken under this
20 article, the same as from an order in a civil action. Such appeal
21 must be taken within ten days after the service upon such party
22 of notice of such final decision.

23 § 471. Two or more persons may unite in commencing and
24 prosecuting proceedings under this article; and when two or more
25 persons have commenced separate proceedings under this article
26 to vacate or reduce assessments for the same public work or im-

1 provement, the court or the judge before whom the same are com
2 menced or pending, or where some are commenced before the
3 county judge, and some in the supreme court, a judge of the
4 supreme court at special term or chambers may consolidate such
5 separate proceedings into one proceeding.

6 § 472. Upon payment of ten dollars a year to the treasurer, any
7 taxpayer of the city may have one copy of the following publica-
8 tions, which shall be delivered to him by a city marshal immedi-
9 ately after they are respectively printed, at any place within the
10 city designated by him, within one-quarter of a mile from the place
11 where the common council shall hold its meetings: The printed
12 minutes of the meetings of the common council, of the board of
13 estimate and apportionment, and of the board of contract and sup-
14 ply, as they from time to time appear, and the bound and indexed
15 volume of each at the end of each year and claims against the city
16 presented by the comptroller as they from time to time appear in
17 their printed form, and the comptroller's annual published state-
ment of the financial condition of the city.

19 SAVING AND REPEALING CLAUSES.

20 § 482. All statutes of the state and ordinances of the city so far
21 as inconsistent with the provisions of this act are hereby re-
22 pealed, but such repeal shall not affect any right already existing
23 or accrued, or any liability incurred by reason of any violation of
24 any law heretofore existing, or any suit or proceeding already in-
25 stituted, or action had under the laws or ordinances, unless other-
26 wise expressly provided in this act. But nothing herein con-



1 tained shall be construed so as to affect any of the several acts or
 2 parts of acts to regulate and improve the civil service of the
 3 state of New York.

4 § 483. Nothing contained in this act shall be construed to
 5 repeal any statute of the state or ordinance of the city not incon-
 6 sistent with the provisions of this act and the same shall remain
 7 in full force and effect, when not inconsistent with the provisions
 8 of this act, to be construed and operated in harmony with the
 9 provisions of this act.

10 WHEN TO TAKE EFFECT.

11 § 495. Except as otherwise provided, so much of this act as per-
 12 tains to the election of officers and to the provisions of section
 13 thirty-one shall take effect September first, eighteen hundred and
 14 ninety-nine, and the remainder of the act shall take effect Janu-
 15 ary first, nineteen hundred.

Monthly Cancellation of heads of depts. p 13.